DOCUMENT RESUME

ED 181 692 EC 122 855

TITLE Policies and Procedures Manual for Special Education in Oklahoma.
INSTITUTION Oklahoma State Dept. of Education, Oklahoma City.
PUB DATE 80
NOTE 92p.

EDRS PRICE MF01/PC04 Plus Postage.
DESCRIPTORS Ancillary Services; Due Process; Educational Finance; *Educational Policy; *Equal Education; Federal Legislation; *Gifted; *Handicapped Children; Hearings; Identification; Individualized Programs; Intervention; Mainstreaming; Parent Participation; Preschool Programs; *Program Development; Program Planning; State Departments of Education; State Legislation; Student Transportation
IDENTIFIERS *Oklahoma

ABSTRACT

The guide, a support document to the Oklahoma State Plan for Special Education, presents a policies and procedures manual for special education in Oklahoma in accordance with the Education for All Handicapped Children Act (P.L. 94-142). The manual is intended to establish the minimum standards for special education program approval, to establish the minimum standards for the determination of pupil eligibility, and to establish considerations which will lead to appropriate programing within the least restrictive environment. Aspects covered include responsibility of state and local education agencies, organization of programs, surrogate parents, identification, parent involvement, teacher certification, confidentiality, ancillary services, individualized education programs, special services, recommendations for transportation for handicapped children, gifted and talented programs, early childhood handicapped programs, Project ECHO (Enriching Children's Hearing Opportunities--a preschool deaf/hard of hearing program), regional education service centers, state and federal funding, complaints, due process hearing and appeal procedures, program monitoring, and personnel inservice training. Also provided are various special education forms, and Oklahoma state laws for special education. (DLS)

****
* Reproductions supplied by EDRS are the best that can be made *
* from the original document. *
****

U S DEPARTMENT OF HEALTH, EDUCATION & WELFARE
NATIONAL INSTITUTE OF EDUCATION

THIS DOCUMENT HAS BEEN REPRODUCED EXACTLY AS RECEIVED FROM THE PERSON OR ORGANIZATION ORIGINATING IT. POINTS OF VIEW OR OPINIONS STATED DO NOT NECESSARILY REPRESENT OFFICIAL NATIONAL INSTITUTE OF EDUCATION POSITION OR POLICY

EC

ED181692

POLICIES AND PROCEDURES MANUAL

FOR

SPECIAL EDUCATION

IN

OKLAHOMA

Special Education Section
Oklahoma State Department of Education
Dr. Leslie Fisher, State Superintendent

1980

EC 122155

"PERMISSION TO REPRODUCE THIS MATERIAL HAS BEEN GRANTED BY

J Craddock

TO THE EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)."

"This publication, printed by the State Department of Education is issued by the Oklahoma State Department of Education, Special Education Section, as authorized by Leslie Fisher, State Superintendent of Public Instruction. 2,000 copies have been prepared and distributed at a cost to the taxpayers of the State of Oklahoma of $3,976.28."

TABLE OF CONTENTS

I. Introduction 1

II. Responsibility of State and Local Education Agencies. 2-4

III. Organization of Programs

A. Child Identification 5

B. Parental Involvement 6

C. Category Definitions, State Regulations and Class Size 6-8

D. General Information 9-13

E. Teacher Certification and Salary 14

F. Confidentiality Procedures. 15-17

G. Step-by-Step Chart for Delivery of Special Education Services 18

H. Evaluation 19-22

I. Categorical Eligibility Statement 23

J. Individualized Education Program (IEP). 24-25

K. Related Services 26

L. Surrogate Parents 27-28

Programs of Classes Chart 29-30

IV. Special Services 31-35

V. Recommendations for Transportation for Handicapped Children 36-37

VI. Gifted and Talented Programs 38-39

VII. Early Childhood Handicapped 40-42

VIII. ECHO (Pre-school Deaf/Hard-of-Hearing) 43

IX. Regional Education Service Centers (RESC) 44-47

X. Funding

A. State 48

B. Federal P.L. 94-142 & 89-313 48-49

XI. Complaints 50

XII. Due Process Hearing & Appeal Procedures 51-54

XIII. Program Monitoring 55

XIV. In-Service 56

XV. Special Education Forms 57-69

Form No. 1 - Parent Rights
Form No. 2 - Categorical Eligibility
Form No. 3 - Individual Education Program (IEP)
Form No. 4 - Review of Placement/IEP
Form No. 5 - Determining Eligibility for Learning Disabilities

Oklahoma State Laws for Special Education 70-78

I. INTRODUCTION

These policies and procedures are developed to assure all handicapped children residing in Oklahoma the right to a "free appropriate education" as mandated by P.L. 94-142. The agency responsible for the handicapped child's individual education program will abide by these regulations based on state and federal law. Agencies having this responsibility are LEA (Local Education Agency/Public School), state supported institutions, private schools (which are accredited according to state standards) and hospital schools. Other programs that may be developed to meet the child's educational needs will come under the jurisdiction of one of the above agencies.

This document, entitled Policies and Procedures Manual for Special Education in Oklahoma, is a support document to the State Plan for Special Education. The purpose of this document is threefold:

(1) To establish the minimum standards for program approval.

(2) To establish the minimum standards for the determination of pupil eligibility.

(3) To establish considerations which will lead to appropriate programming within the least restrictive environment.

It is important for the user(s) of this document to note that minimum, not optimum, standards are being addressed. At any time a school district (agency) may establish criteria which exceed the standards stated herein; however, at no time may a school district (agency) establish criteria which are less than the standards stated.

It is important for the user(s) of this document to realize that most regulations are general and non-categorical. However, there are sections that deal specifically with categories and, in Oklahoma, categorization is the first essential step in determining the student's eligibility for special education services. The second step is the identification of an educational deficit as a result of the established handicap. It is important to further note that the services provided are dependent upon the educational needs of the student and not upon the categorization of the student.

This document covers the letter of the law, but keep in mind that the intent of the law is also important; i.e., every handicapped child in Oklahoma, ages from birth through 21 years, has a right to an appropriate education that will assure him/her of reaching full potentiality for a normal life.

II. ADMINISTRATIVE RESPONSIBILITY

A. State

The Special Education Section was created by the State Board of Education for the purpose of providing leadership in establishing and developing services for handicapped children throughout the State. It is charged with the responsibility of seeing that the rules and regulations of the law relative to Special Education are observed in order that the funds appropriated may serve the purpose for which they were intended.

The chief services of the Special Education Section consist of (1) providing over-all leadership and direction to the program; (2) approving special education programs after they have met the minimum standards; (3) allocating available funds to districts for homebound instruction and other special services; (4) promoting inservice training for teachers; (5) collecting and reporting information; (6) assisting in public relations; (7) acting as a consulting agency.

The Special Education Section is also charged with the responsibility of allocating federal funds;

1. "Flow-Through" money based upon the child count will be allocated. Applications must be received from each district (or cooperative effort) and approved by a committee. Approval will be based on established priorities and needs of children within the local district (or coop).

2. "Discretionary" money will be allocated through application from the local district (or coop) to fill a specific need that is not being met by other funding. Approval for these funds will also be by committee.

The State Department of Education is responsible for a monitoring procedure that will assure compliance by local districts with State and Federal regulations and law. (See page 55)

The state-wide child count taken on December 1 of each year will be supervised by the State Department.

One of the important functions of the Special Education Section is to develop an Oklahoma State Plan which will assure that all of the above duties are performed according to State and Federal Laws and Regulations.

B. Local Education Agencies

1. It is the responsibility of the LEA to submit to the State Department of Education a plan stating assurances of how all handicapped children in the district will receive a "free appropriate education". This plan will follow the State Plan and State and Federal Laws and Regulations and be subject to approval of the Special Education Section of the State Department of Education.

2. The LEA is responsible for all exceptional children who reside in the district (or whose parent(s) resides in the district). Independent school districts would be responsible for ages 0-21 (See regulations concerning ages, Page 11). Dependent schools would have the responsibility for ages 0 to the grade level of the school. (Example: school has classes to sixth, seventh, or eighth grade). Upon leaving the dependent school, the educational responsibility for the program for a handicapped student goes to the independent district receiving the child (the same as non-handicapped students).

3. An LEA may fulfill these responsibilities by:

   a. the district directly providing special education for such children;

   b. the district joining in a cooperative program with another district or districts to provide special education for such children;

   c. the district joining in a cooperative program with a private or public institution within such district to provide special education for children who are deaf or hard-of-hearing; or

   d. transferring certified handicapped exceptional children to other school districts which accept them and provide special education for such children, with the district in which the child resides paying tuition. (Sec. 13-10, HB 1155, 1971 Leg.)

The Oklahoma State Department of Education has always operated on the policy that Special Education was a "part of, not apart from regular education." The Department recognizes, however, that there must be a continuum of service delivery systems available if the special needs of the exceptional child are adequately met. The service delivery systems include:

Institutional Placement
Self-Contained Day Classes
Learning Resource Rooms
Itinerant Teachers
Homebound Teachers
School-to-Home Telephone
Teacher Consultants to Regular Classroom Teachers
Diagnostic and Prescriptive Teaching Resource Centers

4. It is required of each district to make a comprehensive survey to determine the number and type of children in the district who are in need of special services. This survey must include those children who are not enrolled in school. Records and documentation will

be maintained showing methods used in the survey. Such methods could include: newspaper articles, radio or TV spot announcements, brochures and printed information distributed throughout the district, school personnel at meetings (such as civic clubs) etc.

5. Assurances should be made that all Handicapped children will be served in facilities comparable to those facilities for non-handicapped children. And, that all handicapped children be educated with non-handicapped children to the extent they can benefit from such placement (Least Restrictive Environment).

   Local school systems are encouraged to develop their programs around the needs - not force students into rigid program molds. While emphasizing the philosophy of "Least Restrictive Environment", the realism of the special needs of handicapped children is considered in deciding their educational program. Emphasis is given to placement in a program designed to assure maximum development with minimum failure.

6. Each handicapped child must be afforded the opportunity to participate in the regular physical education program available to non-handicapped unless the child needs specially designed physical education as prescribed in the child's individualized education program or is enrolled full time in a separate facility.

7. It is necessary that each district conduct a child count on December 1 of each year. This count is reported to the Special Education Section.

8. It is the responsibility of the LEA to see that all necessary forms are <u>completed</u> and <u>signed</u>.

9. Each L.E.A. must maintain a register of all handicapped children and youth ages 0 - 21 who are residents of their district. The register should include the child's name, age, and disability. The child's present educational placement should be stated, i.e., transferred, local program, State school, etc.

III. ORGANIZATION OF SPECIAL EDUCATION PROGRAMS

A. Child Identification

B. Parental Involvement

C. Category Definition, State Regulations and Class Size

D. General Information

E. Teacher Certification and Salary

F. Confidentiality Procedures

G. Step-by-Step Chart for Delivery of Special Education Services

H. Evaluation

I. Categorical Elegibility

J. Individualized Education Program (I.E.P.)

K. Related Services

L. Surrogate Parents

III. ORGANIZATION OF SPECIAL EDUCATION PROGRAMS

A. Child Identification

Awareness

A Local Education Agency campaign will be organized and implemented (on an annual or ongoing basis) to generate referrals for screening and to inform and educate community members concerning the right to a free and appropriate education for all handicapped children. The campaign will be conducted in a systematic manner to emphasize:

1. Handicapping conditions;
2. The availability of special education programs;
3. Other services available to remediate and ameliorate various handicapping conditions; and
4. The process of gaining entry into available special education programs and related services.

The public information campaign will utilize a variety of strategies, materials and media to communicate effectively with a diverse and scattered population. For example, the campaign will:

1. Place ongoing advertisements, news releases, and feature articles in newspapers and agency newsletters;
2. Schedule monthly advertisements, news releases, spot announcements, and interviews in a statewide public broadcasting system, radio and television;
3. Create, design and place posters, bulletins, and brochures in appropriate locations;
4. Distribute referral postcards in: doctors' offices, school mailings, utility bills, church bulletins, welfare checks, community stores, and libraries;
5. Provide community groups with personal contacts via speakers, forum, educational training, and interviews with school personnel;
6. Disseminate information and otherwise promote the education of all handicapped children within the state;
7. A documented effort should be kept of the above efforts; and
8. Awareness is a continuing process and should be repeated annually.

Screening

A system will be established for screening suspected exceptional children, birth through 21, to determine those who need to be referred for evaluation/assessment. The basic types of screening are:

1. The educational screening of every kindergarten, first, and second grade student in every school district in the state to be administered through the twenty state Regional Education Service Centers in accordance with Section 8 of S.B. 581.
2. General screening for specific existing programs or specific programs being planned by LEA, such as speech correction, learning disabilities, etc.
3. The screening of specific individuals referred through the awareness campaign, such as those who are referred by teachers, parents/surrogates, self-referred, or referred by other.

B. Parental Involvement

Parental involvement is an important part of P.L. 94-142. This means that a parent, a guardian, a person acting as a parent of a child, or a surrogate parent (the term "parent" does not include the state if a child is a ward of the state) will be a part of the handicapped child's educational program.

The school and this person will work together in referral, evaluation and program planning. By law, the parent will:

1. Give written permission for evaluation.
2. Have the evaluation results explained to them and see a copy of the evaluations. They may request and receive a copy of all educational evaluations and records of the child. This copy must be obtained at minimum cost.
3. Give written permission for the child to be placed in the category as determined by the eligibility team (Form No. 2 and No. 2-A, Pages 58,59)
4. Will receive a list of their rights (Form No. 1, Page 57)
5. Be a part of the IEP/Placement team and have input into this plan (Form No. 3, Page 60) This will include the annual evaluation of the IEP (Form No. 4, Page 61)
6. Give written permission for the re-evaluation (to be done at least every three years, or more often if needed).

C. Category definitions, state regulations, and class size

Definitions of "Handicapped Children". The terms used are defined as:

1. "Deaf" means a hearing impairment which is so severe that the child is impaired in processing linguistic information through hearing, with or without amplification, which adversely affects educational performance.

2. "Deaf-Blind" means concomitant hearing and visual impairments, the combination of which causes such severe communication and other developmental and educational problems that they cannot be accomodated in special education programs solely for deaf or blind children.

3. "Hard-of-Hearing" means a hearing impairment, whether permanent or fluctuating, which adversely affects a child's educational performance but which is not included under the definition of "deaf" in this section.

4. "Mentally Retarded" means significantly subaverage general intellectual functioning existing concurrently with deficits in adaptive behavior and manifested during the development period, which adversely affects a child's educational performance.

5. "Multihandicapped" means concomitant impairments (such as mentally retarded-blind, mentally retarded-orthopedically impaired, etc.), the combination of which causes such severe educational problems that they cannot be accommodated in special education programs solely for one of the impairments. The term does not include deaf-blind children.

6. "Orthopedically Impaired" means a severe orthopedic impairment which adversely affects a child's educational performance. The term includes impairments caused by congenital anomaly (e.g. clubfoot, absence of some member, etc.), and impairments from other causes (e.g., cerebral palsy, amputations, and fractures or burns which cause contractures).

7. "Other Health Impaired" means limited strength, vitality or alertness, due to chronic or acute health problems such as a heart condition, tuberculosis, rheumatic fever, nephritis, asthma, sickle cell anemia, hemophilia, epilepsy, lead poisoning, leukemia, or diabetes, which adversely affects a child's educational performance.

8. "Seriously Emotionally Disturbed" is defined as follows:

   (1) The term means a condition exhibiting one or more of the following characteristics over a long period of time and to a marked degree, which adversely affects educational performance:

      a. an inability to learn which cannot be explained by intellectual, sensory, or health factors;

b. an inability to build or maintain satisfactory interpersonal relationships with peers and teachers;

c. inappropriate types of behavior or feelings under normal circumstances;

d. a general pervasive mood of unhappiness or depression; or

e. a tendency to develop physical symptoms or fears associated with personal or school problems.

(2) The term includes children who are schizophrenic or autistic. The term does not include children who are socially maladjusted, unless it is determined that they are seriously emotionally disturbed.

9. "Specific Learning Disability" means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which may manifest itself in an imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations. The term includes such conditions as perceptual handicaps, brain injury, minimal brain disfunction, dyslexia, and developmental aphasia. The term does not include children who have learning problems which are primarily the result of visual, hearing, or motor handicaps, of mental retardation, emotional disturbance, or of environmental, cultural, or economic disadvantage. (See pages 62 - 69)

10. "Speech Impaired" means a communication disorder, such as stuttering, impaired articulation, a language impairment, or a voice impairment, which adversely affects a child's educational performance.

11. "Visually handicapped" means a visual impairment which, even with correction, adversely affects a child's educational performance.

D. General Information

Self-Contained Programs Defined:

Self-contained programs are composed of those students who, because of their severe handicaps, require their basic academic instruction from special education teachers. These students will be out of special classes no more than two school hours per day for activities such as: P.E., Music, Art, etc.

Laboratory, Resource Room or Itinerant Teacher Programs Defined:

These programs are for those students with less severe handicaps who need special education services but can function in three or more regular classes. These students will be with a special education teacher no more than three school hours per day. Time spent within the special program will be determined by individual need.

Non-Self-Contained Class Loads:

Teacher case loads for Educable Mentally Handicapped and Learning Disability laboratory, resource room, or itinerant teacher programs are not to exceed 25 different students. In addition, they are not to have more than 10 students in their rooms at any one time.

Program Adjustments:

The maximum number in a program should be modified downward if the class contains several age or grade levels, or if the program contains several children with severe problems. Placement of handicapped children into self-contained classes is the least desirable approach to providing for their needs. They should be integrated into regular classes and school programs whenever it is possible for them to be successful by such placement.

Classes will be considered self-contained or lab (resource) depending on the needs of the majority of the students. (Note: In a lab class, one or two children could be with the special teacher more than 3 hours. In a self-contained class, one or two children could be in regular classes more than 2 hours.)

Other Programs:

Coordinators, psychometrists, psychologists, or other professional persons holding appropriate special education certificates are reimbursable as special education teaching units if they are assigned

to work full-time with exceptional children, or with teachers of exceptional children; however, annual end of school year reports shall be required to support the need for the continuation of these programs.

Home-Based Programs:

For a special education child of legal age, (4-21, mildly or moderately handicapped; 0-21, severely handicapped) unable to participate in a full day program, said child shall be counted for full average daily attendance for State Aid, providing established procedures have been followed in (1) evaluation; (2) eligibility determination, and (3) development and implementation of an appropriate Individualized Education Program (IEP). The IEP must specify the amount of instructional time to be provided said child and the attendance for said child shall be entered in the appropriate register by the local school.

Indirect Services:

If handicapped children can best be served by placement in regular classes with an IEP, there must be a certified special education person responsible for that child's education. This person will not teach the child but will be involved with teacher conferences, parent conferences, writing the IEP, and furnishing special materials as needed for the child's program. This person will have a reasonable case load (suggested maximum of 40).

Private Schools:

A Board of Education may contract with an accredited, non-profit, non-sectarian private school to provide specified special education services and instruction to eligible "exceptional children".

Senior High Special Education:

The senior high work-study program is one way of working with high school mentally handicapped youth. This may or may not be in cooperation with Vocational Rehabilitation. Modified course requirements permitting credit for supervised work experience allow for a realistic educational program which helps the mentally handicapped make the transfer from school to the world of work with a maximum chance for success as self-supporting citizens. This program is also available as an alternative to the regular program for learning disability, deaf or hard-of-hearing, and emotionally disturbed youth. The coordinator(s) may supervise 25 students in the field work part of the program. These 25 students may or may not be the same students carried on the coordinator's academic class roll.

Modified Programs:

Since the basic concept of special education is an appropriate education for individual handicapped children, there may be exceptions to the above regulations. For permission to adjust a program to fit the needs of handicapped students within the school district, the school must request in writing that such a modification be considered. A committee (including an administrator) from the Special Education Section will decide if the request is justified. A letter of confirmation will be sent to the school and the Area Supervisor. Each letter will cover only the current school year. Copies of this letter will be on file with the local district and the Section.

Ages of Children:

Minimum Age - Programs for exceptional children must be available beginning at age four; however, for certain eligible students there is no minimum age. Severely handicapped children are to begin receiving special education services at birth. These children are operationally defined as those functioning 50% or more below normal expectancy for their age. These may be: deaf and hard-of-hearing, visually handicapped, low incidence multiple-handicapped children, i.e., deaf-blind; retarded-cerebral palsied; autistic and other children failing to thrive from birth.

Maximum Age - Each exceptional child has a right to 12 years of schooling. This twelve year period will start at age 6 (following state regulations for entrance to first grade) and will terminate upon completion of a secondary program. Twelve years of schooling is mandated, additional schooling through age 21 is permissible.

Oklahoma School Law, Article V, Section 85, states that any person over the age of twenty-one (21) and under the age of twenty-six (26) who has not completed the twelfth grade, shall be given educational privileges if he/she was unable to attend school because of military service or physical disability. This extended time to age 26 years, is for the exact number of days he/she missed because of military service or physical disability.

Length of School Day:

A school day for children enrolled in special education classes who function at an academic level not higher than the first grade shall consist of not less than five (5) hours of school activity. When a child is unable to attend school five (5) hours, the length of his school day may be determined by IEP/Placement team,

with the written approval of the State Administrator of Special Education. The parent must be a part of this planning and by signing the IEP gives consent.

Textbook Funding:

Textbook funding allotments include all the children in a school district. If the textbook list does not contain appropriate material for handicapped children, application may be made to the Textbook Section of the State Department of Education for permission to spend the money generated by these children on appropriate materials not on the textbook list. (H.B. 1140, Section 13)

Least Restrictive Environment:

Each public agency shall insure:

1. That to the maximum extent appropriate, handicapped children, including children in public or private institutions or other care facilities, are educated with children who are not handicapped; and

2. That special classes, separate schooling or other removal of handicapped children from the regular educational environment occurs only when the nature or severity of the handicap is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

3. The LEA will support and/or utilize a variety of placement alternatives:

    a. regular classroom with special consultation to the regular teacher;

    b. regular classroom supplemented by the services of an itinerant teacher;

    c. regular classroom supplemented by the services of a resource room teacher;

    d. part-time special education (i.e., services for students who spend most of their time in special classes, but participate with non-handicapped students in some activities);

e. full-time special education (i.e., self-contained special classes);

f. special day schools;

g. homebound instruction;

h. residential schools; or

i. hospital school programs.

E. Teachers of Special Education Programs Certification

The State Board of Education has approved the standards for a five-year standard, a three-year provisional, and a one-year temporary certificate for teachers in Special Education. The exact requirements to meet these standards are in Teacher Education, Certification and Assignment Handbook. If there are any questions concerning this, consult with the Certification Section of the State Department of Education.

A teacher, to qualify as an instructor of exceptional children, must hold a valid Special Education teacher's certificate under the State Laws of Oklahoma. The special preparation shall be in the area in which the teacher will teach. If a teacher is working with children in different categories, that teacher must have a certificate in each category. (Example: If a teacher is teaching mentally retarded half a day and Learning Disabilities the other periods, he/she must have certificates in both these categories).

For teachers of the multi-handicapped student, that teacher must have a valid certificate in at least two areas of disabilities.

Special Education teachers are certified for grades K-12. The special teacher may give credit for the subject taught (Example: On a secondary level, a student may receive credit in English, Math, etc., if the special teacher is responsible for these subjects.) Note: Special teachers should cover material in the subject area assigned since students have the right to obtain knowledge on the level they function. A broad curriculum can be developed for all handicapped students.

Students should be graded on the basis of "ability-output". This responsibility belongs to the local education agency; however, whatever grading system is used, local policy and procedures must assure that it does not discriminate against the handicapped child.

Salary

The law provides that the teacher of special education shall be paid a minimum of 5% above the prevailing wage paid teachers of normal children in the same school district.

F. Confidentiality Procedures

Parents have the right to inspect and review any educational records relating to their children which are collected, maintained, or used to implement P.L. 94-142. This includes:

1. The right to a response to reasonable requests for explanation and interpretation of the records;

2. The right to request that the agency provide copies of the records containing the information if failure to provide those copies would effectively prevent the parents from exercising the right to inspect and review the records; (a minimal fee for copies of the records which are made for parents may be charged if the fee does not effectively prevent the parents from exercising their right to inspect and review those records); and

3. The right to have a representative of the parents inspect and review the records.

4. The following persons may have access to the records:

   Special Education Teacher
   Regular Teacher
   Administrator
   Counselor
   State Department of Education Personnel
   Regional Education Service Center Personnel
   Parents/Guardian
   Student (if appropriate and 18 years old)

Anyone not on this list must have parental permission to see the confidential records. A form will be kept in each handicapped student's folder to record who saw the records, on what date, and the purpose of examination.

Records may be sent to another school district (or appropriate agency) if a student moves or transfers. The release of student information will adhere to the following guidelines:

1. The following types of information may be released WITHOUT written parent permission. Parents will be sent a written notice that the records have been released and to whom:

a. Basic Identifying Information

(1) Name and sex
(2) Birthdate and birth place
(3) Home address and telephone number
(4) Parent or guardian name, address and telephone number
(5) Names and dates of school attendance, location, and principal's name
(6) Current health information, e.g., allergies, diseases, immunizations

b. Functioning or Performance Information

(1) Results of group standardized achievements tests
(2) Results of group standardized intelligence and aptitude tests
(3) Academic information

2. Information that REQUIRES written parent permission before release, includes:

a. Individual Evaluations

(1) All specialized records of professionals who have screened, assessed and/or evaluated the students, i.e., psychologist, psychometrist, social worker, diagnostician, physician's medical assessment, or any individual evaluation as it pertains to placement in a school program
(2) Specialized reports from outside agencies or specialists, i.e., private schools, social service agencies, vocational rehabilitation, hospitals

b. Anecdotal Records

c. Test Results, Prescriptive Learning Plans, and Eligibility Information from a Regional Education Service Center to a school district other than the school district where the child was evaluated.

All confidential records for handicapped students will be kept in a separate folder and not in the child's regular school cumulative folder. These records will be kept secure in a locked area. The school will select one person in the school district (or in individual schools) to be responsible for these records.

Parents have the right to protest or challenge the accuracy of all records. Documentation of action resulting from the protest will become part of the record and be kept in the student's file. Parents will be notified of the decision to amend the information or the refusal to amend the information and will be notified of their right to a hearing.

All confidential records, except the information needed on transcripts, will be destroyed when their usefulness is over (as soon as possible, but not later than 5 years). This would be at the end of the student's public school education, death of child, or other legitimate reasons. Parents will be notified 60 days before destruction and will be offered the opportunity to obtain a copy of the documents.

All rights indicated above in regard to parents pass to the child upon reaching the age of majority (age 18) or when attending an institution of post secondary education, except in the case of a severely or profoundly handicapped child who is legally determined to be incompetent to make such decisions by himself. In those instances, the legally established guardian maintains the rights to privacy as outlined in this section.

State Agency may maintain data. The state educational agency may maintain personally identifiable data for the purpose of:

1. Placement of children in need of special assistance or prolonged assistance;

2. Provisions of services to children in need of special assistance or prolonged assistance;

3. Monitoring such placements; and

4. Enforcing legal requirements.

The state educational agency may therefore give access and/or release personally identifiable data to other agencies in order to facilitate placement/provisions of services for children in need of special assistance or prolonged assistance. Should a participating agency need to disclose personally identifiable data other than for the purpose for which the data has been collected, the agency should first obtain informed parent consent.

Confidentiality Procedures are to be posted around the school at strategic locations. All schools must have written policies and procedures regarding release of student information. Parents must receive at least annual notice of these policies and procedures. The school must also inform parents of their right of access to student information and their right to challenge the content.

G. Step-by-Step Chart for Delivery of Special Education Services

Step I - SCREENING
Done by LEA, Regional Education Service Center or other agencies.

Step II - REFERRAL
Done by school, parent or other agencies.

Step III - EVALUATION
Written parental consent
Parents given written statement of their rights - Form No. 1
See section on evaluation III, H. Pg. 19,20,21,22

Step IV - CATEGORICAL ELIGIBILITY/STATEMENT
Timeline: Within 15 days of receipt of evaluation results, a team must determine categorical eligibility.
See Section on categories III-C. Pg. 6,7,8
A special eligibility team is required for learning disabilities Form No. 5
Written parental consent - Form No. 2

Step V - IEP/PLACEMENT
Timeline: Within 30 calendar days of declared categorical eligibility
An IEP must be written before physical placement and services begin because the IEP determines the type of program, amount of time in the program, related services, etc.
Written in a team meeting with parents present.
The IEP/Placement team meeting is the responsibility of the home district. A child cannot be sent to a coop or another district until this is done. The sending district (home) will write the IEP, but the receiving school should have a representative on this team.
All blanks on Form No. 3 will be completely filled out.
Signatures of all people involved.

Step VI - REVIEW OF IEP/PLACEMENT
At least on an annual basis. However, it may be written into the IEP that the review will be done on a shorter interval of time (i.e., at the end of the semester, every six weeks, etc.) Form No. 4
This review is done by a team (including parent) and a new IEP written at this time.

Step VII - REPEAT OF STEP III
All handicapped children must be evaluated at least every three years. This may be done more often if needed. Need will be determined on the individual child's progress or lack of progress. Parental written permission is required for each evaluation.

H. Evaluation

1. Evaluation
After screening and referral, a handicapped or purported to be handicapped child, will be evaluated to determine eligibility for special services.

   a. Parental Permission for Testing. When there is reason to believe that a child is in need of special education services, and such a child becomes the subject of individual evaluation procedures (formal testing, informal assessment, observation), then advanced written permission for such procedures to be used shall be obtained from the parents. The letter requesting permission for such testing shall contain the following:

   -The reason the evaluation has been requested, and the name of the person who initiated the process;

   -A statement of the right to refuse to permit the evaluation, with the understanding that the LEA can request a hearing to present its reasons and try to obtain approval to conduct the evaluation;

   -A statement of the right to review all relevant records and to be fully informed of the results of the evaluation; and

   -A declaration that the child's educational status will not be changed without the knowledge and written approval of the parent, or until the notice and due process procedures have been exhausted.

   b. Parents Refusal. If the parents refuse to give permission, the LEA should attempt to seek resolution through an individual conference(s). If the parents still refuse to allow the proposed evaluation, the LEA should either accept the decision or request a due process hearing. In such a hearing, the burden of proof is on the LEA to demonstrate that the continued placement of the child is so dangerous to his/her health or safety or so disruptive to the program for the other children that the initiation of the evaluation procedure is justified, the first step to a special program placement.

   c. Comprehensive Assessment. The assessment of a handicapped child in an LEA will be multifaceted and multisourced. In order to provide a comprehensive view of the child from the

perspective of the school, home and community, the following information must be obtained and considered in the placement decision:

-School information. Information from the school will include, but not be limited to, an assessment of the following areas:

--Educational Functioning: An assessment will be made of the child's educational functioning in relation to the academic program of the school; and the results of this assessment shall be expressed in terms of both the child's strengths and weaknesses. The assessment should be comprehensive, using a full range of available instrumentation and observations, including diagnostic tests and other appropriate and informal measurements. Whenever intelligence tests are administered, the I.Q. score, shall not be used as the sole criteria in making inference about the child's level of intelligence or learning potential. The full test (including protocols, content, subtests, etc.), will be interpreted by the qualified examiner who administered the test.

--Psychomotor and Sensory Development: An assessment also will be made of the child's psychomotor and sensory development, including audiological and ophthalmological or optometric examination if deemed necessary.

--Adaptive Behavior: An assessment also will be made of the child's adaptive behavior in the school setting based on observations and records, and, where appropriate, the use of adaptive behavior scales.

-Home Information. Information from the home will include: (1) the child's adaptive behavior in the home, community and neighborhood, as perceived by his parents or guardians or principal caretakers, (2) the sociocultural background of the family, and (3) the child's health and development history.

d. Modification of Procedures for Children with Linguistic or Cultural Differences. No assessment will be attempted when a child is unable to respond to the tasks of behavior required by a test because of linguistic or cultural differences unless culturally and linguistically appropriate measures are administered by qualified persons. In those

cases in which appropriate measures and/or qualified persons are not available, diagnostic-prescriptive education programs will be used until the child has acquired sufficient familiarity with the language and culture of the school for more formal assessment.

Persons interpreting assessment information and making educational decisions will be qualified to administer the various measures and qualified to take cultural differences into account in interpreting the meaning of sets of data from both the home and the school.

e. Specific Qualifications. The Special Education Section has a continuing concern that children recommended for placement in special programs are, in fact, in need of such placement. Standardized test data should be a part of evaluation information used in making placement recommendations. School achievement, general adaptive behavior and environmental information should also be included in the individual's record folder.

Individuals qualified to administer tests for possible placement in classes or programs for the mentally handicapped, programs for children with learning disabilities, and programs for the academically gifted are:

(1) psychiatrists
(2) licensed psychologists
(3) certified school psychologists
(4) certified school psychometrists
(5) certified school counselors*
(6) certified teachers*
(7) state merit board qualified examiners

*They must have on file with their LEA a Certificate of Competency issued by the professor who taught the course or the college official authorized to make such recommendation stating the specific tests they are qualified to administer and interpret the results for educational placement recommendations.

For possible placement in classes or programs for the emotionally disturbed:

(1) psychiatrists
(2) licensed psychologists
(3) certified school psychologists
(4) state merit board qualified psychologists

For possible placement in a class or program for the blind or partially sighted:

(1) medical doctors
(2) ophthalmologists
(3) optometrists

For possible placement in a class or program for the deaf or hard-of-hearing:

(1) medical doctors
(2) audiologists

For possible placement in a class or program for the physically handicapped:

(1) medical doctors
(2) osteopaths

For possible placement in a class or program for the speech impaired:

(1) audiologist
(2) certified speech therapist
(3) state merit board qualified speech therapists

In a case of a child whose primary home language is other than English, the following conditions must be met:

(1) the examiner is fluent in both English and the primary language of the home; or
(2) there is available to the examiner, an interpreter fluent in the primary language of the home; and
(3) the tests used must contain sufficient non-verbal material to enable a valid, reliable decision to be made as to the individual's probable level of educational functioning.

I. Categorical Eligibility Statement

To determine what category (see definitions, pgs. 6, 7, 8) a handicapped or suspected handicapped child belongs in, a team must meet. This team will consist of the parent, a special and regular teacher and someone representing the administration of the school. This team will consider all the evaluative material available before agreeing on the category in which the child will function best. All team members will sign the eligibility form. The eligibility form must list the category and the parent in signing agrees to this determination. (Form No. 2)

If the child is not eligible for special education placement, the team must so indicate, (Form No. 2-A) and give the regular classroom teacher appropriate instructional ideas in writing at the bottom of the form and sign.

The eligibility team for Learning Disabilities does not include the parent but does include someone capable of interpreting diagnostic tests. Also, there must be a report of an observation included in the evaluation material. (See Form No. 5)

The above eligibility team must meet within fifteen (15) days of receipt of evaluation results.

It is possible and often practical for the categorical eligibility team to write the I.E.P. (see III, J, pgs. 24, 25) at the same meeting. In case of Learning Disabilities, the parent would need to join the team to write the I.E.P.

J. Individualized Education Program (IEP)

A child may not be placed in a special education program until an IEP has been written.

The special education placement of a handicapped child must be based on the child's IEP. The educational needs that are addressed in the goals and objectives should be evaluated to determine appropriate placement for the child (concerning time in program, related services, etc.).

The individual education program will be developed in a meeting of persons concerned with the education of the handicapped student, including the regular teacher, the special teacher, the parent or guardian, a representative of the Local Education Agency qualified to provide or supervise the provision of specially designed instruction, and the child whenever appropriate. Information to be reviewed and incorporated in the plan will come from a variety of sources; achievement tests, psychological test data, accumulative records, criterion or teacher made tests, parent, professional staff, or other appropriate sources.

The Committee will determine and include in the program:

(1) Levels of Education Performance

a. Specific information on academic levels of performance.
b. Physical constraints affecting the educational progress of the student.
c. Specific strengths (high level verbal ability, motor skills, etc.).

(2) Prioritized Annual Goals

Committee will prioritize annual academic goals as determined by the Committee on all available data. A statement of terminal behavior (expected outcome) should be included.

(3) Specific Short Term Instructional Objectives

a. The objectives should reflect the point at which the student has failed to achieve a developmental sequence of skills.
b. Indicate specific skills to be taught in a sequential order.

(4) Special Media and Materials

An IEP must contain a description of any special media and materials which are required to implement a child's IEP. Special media and materials have been defined as a listing of "those media and materials which are unique", i.e., not typically used in regular classrooms, e.g., Braille writer, optical aids, large print books, etc. (If the child does not need any special adjustment in the regular classes, nothing needs to be included in the IEP.

(5) Person(s) Responsible

The primary responsibility in most cases would be the special education teacher's, however, support personnel, including the regular teacher, could and should be involved.

(6) Amount of Time

This column should indicate the amount of classroom time to be spent in achieving the objective.

(7) Beginning and Ending Date

Projected length of time needed to achieve objectives.

(8) Evaluation Procedures - Indicate Type of Test to be Used

a. Teacher made test
b. Achievement tests
c. Observation - formal and informal
d. Criterion reference tests

(9) P.L. 94-142 requires that everything that is needed in the child's educational program must be included on the IEP - e.g. tests to be given orally, tape recorder in class, speech therapy, physical therapy, counseling, transportation, special P.E., etc.

(10) Each member of the team (including the parent) must sign the completed IEP.

Each IEP must be reviewed at least annually. This means a team meeting to determine the success of the year's program and to write a new IEP for the coming year. Each new IEP will be written following the regulations above (Nos. 1-10).

K. Related Services

The term "related services" means transportation and such developmental, corrective, and other supportive services as are required to assist a handicapped child to benefit from special education, and includes:

1. Speech Pathology and Audiology
2. Psychological services
3. Physical and Occupational therapy
4. Recreation/Therapeutic
5. Early identification and assessment of disabilities in children
6. Counseling services
7. Medical services for diagnostic or evaluation purposes
8. School health services
9. Social work services in schools
10. Parent counseling and training

All related services as needed by the child must be included on the Individualized Education Program (IEP). This should include the amount of time the child will receive the services (Example: two 15 minute periods per week), who is responsible and length of service (Example: from September 1, to May 15).

It is the responsibility of the district where the child resides to provide transportation. This may be done in one of two ways:

1. The school will furnish transportation as needed. This may be from one school to another or home pick up (curb side). A statement from a medical doctor or other authority may be obtained to prove need. Each specific case will be determined by IEP team as transportation is a related service.

2. The parent (or someone other than the school) may furnish transportation. The exact miles driven and exact cost per mile to be paid by the school, should be written in the IEP. This would be by agreement of the school and the party who does the driving. Note: To clear up some confusion - Special Services of the Special Education Section will reimburse a school 6¢ per mile for one round trip a day. This has never been intended as the amount schools would pay parents (this is just some financial help from the state level). Since P.L. 94-142 says "free" (meaning no cost to the parents), a more equitable arrangement should be made. Two round trips a day may be necessary and the amount per mile should be by mutual agreement.

L. Surrogate Parents

In order to provide every child eligible for a public education with the protection of procedural due process, even under circumstances where a child's parents or guardians are not known, are unavailable, or the child is a ward of the State, each child will be assigned a parent surrogate according to the following procedures:

1. Recruitment and Training. The SEA will recruit and train persons who can serve as surrogate parents, and maintain a registry of eligible persons.

2. Selection by Standing Board. The SEA, when the need is demonstrated, will select a group of people to be available to serve as surrogate parents. These people shall be chosen from a list of people recommended by a state level standing board or committee charged with advising or working with the State regarding the education of handicapped children. This board or committee shall be broadly representative of persons concerned with the education of handicapped children, including consumers, parents, teachers and others concerned with the education of handicapped children.

3. Qualifications of Surrogates. Persons selected as surrogates will (1) have no other vested interest that would conflict with their primary allegiance to the child they would represent, (2) be committed to personally and thoroughly acquaint themselves with the child and the child's educational needs, (3) be of the same racial, cultural, and linguistic background of the children they represent, and (4) be familiar with the education system within the State.

4. Accessibility to Children. Persons to serve as surrogates will be selected to assure adequate representation of the entire State so that they will be readily accessible to the children that they represent.

5. Procedures for Assigning Surrogates. Assignment of surrogate to a particular child will be made according to the following procedures:

(a) Any employee of an LEA, SEA, residential school or hospital, any physician, any judicial officer, or any other person whose work involves education or treatment of children, who knows of a child possibly needing special education services and knows that the parents or guardians are not known, unavailable, or that the child is a ward of the State, will file a request for assign-

ment of a surrogate to the child with the child's LEA, with a copy of the request to the standing committee or board and to the SEA.

(b) In an effort to determine whether or not the parents or guardians are in fact unknown, unavailable, or the child is a ward of the State, the LEA will send a notice of the need for a surrogate to the adult in charge of the child's place of residence and to the parents or guardians at their last known address.

(c) The LEA should request from the SEA the assignment of a Hearing Officer to weigh the evidence and determine whether or not the parents or guardians are unknown, unavailable, or the child is a ward of the State. This determination shall be completed within a reasonable time following receipt of the original request for a surrogate; and the finding of the Hearing Officer shall be sent to the LEA, SEA and the standing state board or committee. If the Hearing Officer finds a need for a surrogate, such assignment will be made by the SEA within 5 days.

(d) Once assigned, the surrogate will represent the child at least through the time of the first periodic review of the child's educational placement.

(e) The child himself will have the right to obtain a change in surrogate at any time he chooses.

(f) Surrogates will not be assigned to children who have reached the age of majority.

PROGRAMS OR CLASSES

CLASS TYPE	EVALUATION	ELIGIBILITY STANDARDS*	CLASS SIZE**	AGE***
Blind and Visually Impaired	Ophthalmological	20/70 Vision or less	3-10	0-21
Deaf-Blind	Audiological Ophthalmological Educational	Functional impairment in both hearing and vision so severe that they cannot be served in classes solely for deaf or blind	3-10	0-21
Deaf/Hard-of-Hearing	Individual Audiological	40 minimum decibel loss	3-15	0-21
Gifted/Talented	Multiple evidence of special abilities	Upper 5% of students or above average on objective test or potential to function with either of these groups	Minimum and maximum as approved in application	4-21
Multihandicapped	Psychological Developmental Educational	Two or more impairments so severe that they cannot be served in programs solely for one of the impairments	3-10	0-21
Mentally Retarded				
Educable	Psychological Educational Developmental Adaptive Behavior	I.Q. 50-75	Self-Contained 3-15 Lab 3-25	4-21
Trainable		I.Q. 30-50	3-10	0-21
Orthopedically Impaired (Physical Handicapped)	Medical Psychological Educational	Physically handicapped to the extent of needing special education	3-15	0-21

PROGRAMS OR CLASSES

CLASS TYPE	EVALUATION	ELIGIBILITY STANDARDS*	CLASS SIZE**	AGE***
Other Health Impaired	Medical Others as needed	Chronic or acute health problems which adversely affect child's educational performance	3-10	0-21
Seriously Emotionally Disturbed	Psychological--by psychologist or psychiatrist	Emotional problems preventing adjustment in regular class	3-10	4-21
Specific Learning Disabilities	Educational Psychological Neurological Multi-disciplinary team *Eligibility Regulations on pages 66, 67, 68	Severe discrepancy between achievement and intellectual ability	Self-contained 3-10 Lab 3-25	4-21
Speech Impaired	Screening/diagnostic process and teacher recommendation	Indication of dysfunction in communication ability	50-75	0-21
Visiting Counselor	Need of student (Poor social/emotional adjustment)	Social and emotional problems	Case Load 250	4-21
Homebound	Physicians Statement	Physically Handicapped Pregnant Girls	3 one-hour periods a week	6-21
Itinerant Teacher Direct Services Home Based	Psychological Educational Developmental Medical	Needs of Individual Handicapped Child	3-25	0-21
Indirect Services			Reasonable pupil load (Suggested 3-40)	0-21

*Following the law, all eligibility placement will be done by a team. Individual needs and appropriateness must be considered.

**Under regulations concerning modified programs, changes can be made with approval from the Special Education Section.

***Severely handicapped children may begin receiving special education services at birth. These children are operationally defined as those functioning 50% or more below normal expectancy for their age.

IV. SPECIAL SERVICES

Procedures for Placing a Child on a Special Services Program: A child must be a resident of the school district requesting special services, or be legally transferred to the district. Each case has to be considered separately and upon its own merits.

A. Homebound

The program provides the opportunity for educable physically handicapped children to enjoy achievement in the academic subjects of our public schools and advance in their efforts to obtain an education at their rate of development.

There are two groups of handicapped children eligible to participate in the program:

(1) The children who are so handicapped that they have never attended school; and
(2) The children who have attended school and have become so handicapped that they are unable to attend school for an extended period of time.

Eligibility

When a child is so handicapped that he is unable to attend any school in this district, the superintendent of any independent school, with the approval of his school board, or a county superintendent of dependent schools with the approval of the local board, may provide a homebound teacher for the child in his home, hospital, sanitorium, or preventorium. A child taught in his home by a visiting teacher or by school-to-home telephone system must be a resident of the district, or legally transferred.

If the child's education has been interrupted because of physical disability, the State Board of Education may grant permission for him to remain on the program an additional year for each year that his education was interrupted, or until the student reaches his twenty-sixth birthday, providing that his progress in his school work is satisfactory and the extension of time is necessary for the completion of the twelve (12) grades.

A child who is absent from school occasionally, or because of some minor disability, will be unable to attend school for a short period of time, and who is not in any danger of having to repeat a grade, should not be considered an eligible candidate for the homebound teaching program. This child should be encouraged by his teacher to keep up with the class assignments.

Recommended Procedure for Placing a Child on the Homebound Program: Before a child is placed on the homebound program, the Superintendent should contact the Special Education Section for the proper forms to use in providing service.

The Superintendent should require the parents to have a physician fill out the certificate of disability for the child.

The Superintendent should fill out the Application for Conditional Preapproval Plan, attach the Physician's Certificate form to the Application and forward them to the Special Education Section not later than one (1) week after the beginning of the homebound program.

When a child is dropped from the homebound teaching program, a Termination Form, provided by the Special Education Section, should be filled out by the homebound teacher and forwarded immediately to the Special Education Section.

Class Size

One homebound child who is provided instruction one (1) hour per day, three (3) days per week is considered a unit, or class of homebound teaching.

Attendance of Homebound Children in the Regular Classroom

A handicapped student receiving instruction by a teacher on the homebound teaching program must be enrolled as a student in the school providing this special service. When a child is taught by a visiting teacher for one (1) hour per day for three (3) days per week, the child shall be counted as having attended school five (5) days per week and his attendance shall be so entered in the school register.

Homebound for Pregnant Girls

The inclusion of this group of youth in the Special Services Section of the Special Education Legislation is not to be construed as a mandate to local schools to immediately place all of these individuals in homebound instruction. The purpose of any homebound instruction is essentially emergency in nature and should be used only when other approaches cannot be used. The limited instruction time and the lack of social interaction are vital factors to be considered and present programs providing for group activities should not be discontinued.

Eligibility for reimbursement under this section of the law will depend on local districts meeting the following regulations:

1. The girl must be a current enrollee of the district whose intent is to complete her high school education.

2. Homebound instruction should be terminated six (6) weeks after delivery.

3. Maximum time of eligibility shall be seven (7) months, or until the end of the current semester.

School systems with 10 or more eligible girls are encouraged to provide in-school programs of at least three (3) hours per day. Reimbursement for this type of program shall be at the rate of nine dollars ($9.00) per student per week on such instruction for a maximum of two hundred and fifty dollars ($250.00) per year.

B. Transportation to Special Education Class

Reimbursement - The school district may be reimbursed for the actual cost when a public carrier is employed, not to exceed $450.00 per child per year. If a private carrier is used, the district may be reimbursed at a rate not to exceed six cents (6¢) per mile to and from school, and the total reimbursement shall not exceed fifty dollars ($50.00) per month or four hundred fifty dollars ($450.00) per child per year. When more than one child is transported in the same vehicle, an additional charge of not more than three cents (3¢) per mile per additional pupil may be made. (Reimbursement will only be made for one (1) round trip per day.)

C. Transportation to Regular Class

When a physically handicapped child is unable to attend any school or class in the district of which he is a resident, the Board of Education of said district, with the approval of the State Special Education Section, is authorized to make provisions for transportation of such a child to attend the regular school in the district where he is a resident. Reimbursement for these services not in excess of four hundred fifty dollars ($450.00) will be made by the Special Education Section, State Department of Education. (Individual cases will be considered on their merits.)

D. Therapists

Physical and Occupational Therapists must be employed on a fulltime basis, exclusively by applicant, for the specified school year. No reimbursement will be made on a part-time or contracted basis. Reimbursement is $1,250.00 per semester or $2,500.00 per year.

E. Deaf-Blind

Payments will be made for special education of any deaf and blind child, resident of the State of Oklahoma, in any private or public institution, either inside or outside of the State, but in no case shall payment from State funds for such special education, including board and room and transportation, exceed five thousand dollars ($5,000.00) per child per year. Application for Preapproval will be made to determine the exact amount of funds needed and the use of these funds.

F. Physically Handicapped

The purpose of transportation, special equipment, devices and books (large print books for partially seeing children), readers, supplies, or other facilities, or for special instruction within the regular school building as set out in the law, is to make it possible for a physically handicapped child to participate in classroom activities and benefit from the association with other chidren. A child must be so handicapped that he is physically unable to attend school in a regular classroom without the aid of one or more of the special services.

G. County and Cooperative Programs

County Superintendents may organize and operate special education programs as provided by law. By the same token, two or more school districts are authorized to form cooperative programs to provide special education services. When a teacher is required to travel from one school to another, serving those who need special training, the teacher's travel cost between the schools should be paid. Reimbursement, not to exceed four hundred fifty dollars ($450.00) per teacher per year, will be made by the Special Education Section of the State Department of Education, at a rate not to exceed six cents (6¢) per mile.

METHOD OF REIMBURSEMENT

Special Services are reimbursed from a fund established by Legislative action. These funds are separate from the funds used for reimbursement of special classes. Reimbursement for Special Services will follow the schedules as stated in the foregoing section and will be handled in the following manner:

1. They must have a Preapproval Application for the special service on file with the Special Education Section.

2. Applications for Aid will be sent by the State Special Education Section to each school district that has on file an approved Preapproval for a special service. These applications will be mailed to the districts at the end of each semester. The first semester's Application for Aid should be returned within thirty (30) days from the end of the first semester. The second semester's Application for Aid must be returned by June 10.

3. Applications for Aid will be reviewed and checks will be mailed to the school districts for the amounts to be reimbursed.

   Reimbursement will be made by semesters, using half of the appropriated funds for each semester.

School districts conducting an approved home teaching program must pay the teacher of the homebound child a minimum of $9.00 per hour for three one-hour home visits per week. Approved programs will be reimbursed at the end of each semester, subject to available funds, not to exceed $27.00 per week.

School-to-Home Telephone System: When a physically handicapped child is taught in his home by the school-to-home telephone system, reimbursement will be made of not more than three hundred dollars ($300.00) per year for each child to pay the cost of such services. Reimbursement will be made at the end of each semester.

Reimbursement, not to exceed four hundred fifty dollars ($450.00) per child per year, will be made when school districts make provisions for boarding exceptional children who must be transferred from their home districts to school districts providing needed special services.

If Applications for Aid exceed available funds, each claim will be prorated.

Teacher Qualifications

Teachers of homebound children shall hold a valid Oklahoma Teacher's Certificate.

No Special Education Certification is required.

Teachers employed to teach in the regular classroom may be employed to teach homebound children before or after school hours and be paid extra for this service.

PLEASE NOTE:
ALL SECOND SEMESTER APPLICATIONS FOR AID MUST BE IN THE SPECIAL EDUCATION OFFICE BY JUNE 10. APPLICATIONS RECEIVED AFTER THIS DATE WILL NOT BE CONSIDERED.

V. RECOMMENDATIONS FOR TRANSPORTATION OF HANDICAPPED CHILDREN

At the beginning of each school year an orientation of bus drivers responsible for handicapped children should be held between drivers, special education faculty, school nurse(s), principal(s), and other personnel responsible for adapting the school program to meet the educational needs of students.

Orientation should include information about pertinent physical, mental, and emotional data that a driver may need to know in assisting a handicapped student in riding a bus successfully with his peers.

Following are suggested concerns, but not inclusive of all concerns, which the professional staff will be aware of and share with drivers when it is necessary for the welfare of the handicapped student.

1. A communication system must be clearly defined so that information can be shared quickly and efficiently, even on a day-to-day basis, if necessary, between drivers and personnel responsible for the educational program of handicapped students. It would be helpful if the buses were equipped with a two-way radio system.

2. All physically handicapping conditions that may require assistance from the driver such as getting off or on the bus because of weather conditions, braces, prosthesis, visual, hearing, or mental or physical disability should be known prior to the first bus run or as quickly as possible.

3. The parent or their designee is responsible for "door-to-curb", "curb-to-door" and "street crossing" of the child to the loading and unloading point and is advised to use extreme caution.

4. Techniques and procedures should be clearly outlined and understood for children that may cause an emergency. The bus driver needs to be aware of children with epilepsy, diabetes, cerebral palsy, etc. Pertinent information should be known by the driver at all times.

5. Drivers will need to know the proper way of lifting those students with braces, etc., or techniques for strapping students in the seat for assuring safe riding in consideration of handicapping condition. Techniques should conform to that advocated by the therapist in charge. Drivers should also be aware of the objectives of the therapy program. For example, if the child can walk independently but prefers the luxury of being carried, the driver should abide by the program established for the benefit of the child.

6. If there are pupils who for any reason need social or emotional support, instructors of these students should assist drivers in understanding and developing techniques in making commuting to and from school successful and to reinforce the educational objectives for a particular student.

7. Socialization is necessary for all children, and bus drivers should share in the responsibility of assisting the handicapped to remain as "normalized" as possible with other students, by developing a posture of expectation, kindness, and understanding of each individual's need while under his/her responsibility to and from school or other school-related activities.

VI. Gifted/Talented

Under State law in Oklahoma Gifted/Talented programs are permissible but not mandated. The Education for the Handicapped Act of 1975 (Public Law 94-142) does not apply itself to Gifted and Talented education programs. However, the United States Congress recognizing the necessity for such programs states in Public Law 94-142, Sec. 901, that it will provide financial assistance to State and local education agencies to assist such agencies to plan, develop, operate and improve programs designed to meet the special education needs of gifted and talented children.

Definition

The term 'gifted and talented children' means children and whenever applicable, youth who are identified at the preschool, elementary, or secondary level as possessing demonstrated or potential abilities that give evidence of high performance capability in areas such as intellectual, creative, specific academic or leadership ability, or in the performing or visual arts, and who, by reason thereof, require services or activities not ordinarily provided by the school.

Program Design

Local districts are to determine their need for gifted and talented education. Programs should be developed around student needs and available resources. Options to be considered singly or in combination include:

1. Enrichment of content
2. Acceleration of content
3. Individualization of instruction
4. A modified open ended curriculum
5. Specific goal-directed programs to develop and/or foster such diverse aspects of giftedness as creativity, critical thinking, evaluative thinking, leadership, etc.

Two common methods of offering these services include:

1. One teacher in a self-contained classroom or resource room;

2. Six teachers who specialize in six different subject areas to each teach the gifted for one hour per day in the subject area in which he/she specializes. To qualify for a state grant this means an additional teacher must be hired to offset the full time equivalency of several teachers.

Since Public Law 94-142 does not apply itself to gifted/talented programs, it is not required by law that an Individualized Education Program be written for each child. However, it is recommended that each child's objectives and means of achieving them are written out in some type of format.

Selection of Staff

The teaching staff for a program for the gifted/talented would ideally include some persons who have participated in the preliminary study of needs. In addition to holding a valid Oklahoma teaching certificate appropriate to the grade level(s) included in the program, a teacher of the gifted/talented should possess these characteristics:

Awareness of the Gifted/Talented

Ability to teach at the level of inspiration

Flexibility in classroom management

Superior intellectual ability

Broad cultural interests and enthusiasm

Skilled in coordinating provision for the gifted with other aspects of the school program.

Identification

The identification of gifted and talented students must be a process that reflects the goals, objectives, organization and instructional design of the projected program.

Students should be identified through the use of comprehensive and multiple methods including some or all of the following:

Tests of intelligence and achievement, nominations of teachers, parents and peers, creative tests, rating scales and interest inventories. No child may be denied participation in a project on the basis of one identification.

In order to be eligible, the child must be of school age and be either in the upper 5% of the student population or one and one half standard deviations above the mean on objective test instruments or possess the potential to function in either of these groups.

The final decision about who is in and who is not in a gifted/talented program should be made by an evaluation/placement team. This team should consist of at least four of the following personnel: The parents, various professional persons in the school, the regular teacher, the special teacher, psychologist, psychometrist, and counselor.

Students must be retested for the program a minimum of once every three years. It is also recommended that the evaluation/placement team meet once a year to evaluate the student's progress in the class.

VII. EARLY CHILDHOOD HANDICAPPED

A. Rationale:

Early intervention programs and parent education and assistance to prevent cumulative effects of disabilities are recommended as soon as handicapping conditions are identifiable. Research indicates that the earlier the intervention programs begin, the greater the benefits are to the child and to service providers in long range cost effectiveness.

B. Legal Considerations:

Local education agencies are required to locate and identify all handicapped children birth through twenty-one years who reside in their districts. Districts are required to serve all handicapped, beginning with age four (4) years. Under Oklahoma Statutes, services for severely handicapped under four (4) years are mandated for those such as deaf, blind and "failing to thrive". "Failing to thrive" is interpreted to be a functional level of fifty percent or more below the normal expected development for the chronological age of a child on a reputable scale, e.g., a four year old child functioning as a two year old child would be at the 50% functional level. A child may fail to "thrive" in one or more of the following areas:

1. Physical development which includes medical, vision, hearing, gross and/or fine motor development;
2. Language development in either receptive and/or expressive areas;
3. Cognitive or mental development; and
4. Adaptive development or self-management which includes self-help and social skills.

C. Causes:

It should be noted that severe developmental delays may indicate disabilities or a lack of stimulations, opportunity, or incentive. Prevention techniques recommended by national research projects include supervised contact with young children or teenagers. Early prenatal care and follow-up of all pregnancies is also recommended with parenting assistance and training.

D. Diagnosis:

Medical reports, parent interviews, observations, adaptive and developmental measures should be used initially. Later child growth

and attainment reports should be utilized to determine progress and/or regressions. Appropriate adjustments should be made in the Individualized Education Programs as needed.

E. Service Delivery System:

The local district may serve the children in individually appropriate environments. These environments may include special education and related services in the home through direct services to the child and/or parent training, center based, hospital or school based settings, or in an appropriate combination of the above. Integrated placement with children who are not handicapped may be made in programs which meet State standards in public or private:

a. Nursery Schools
b. Day-care Programs
c. Head Start
d. Pre-Kindergarten
e. Kindergarten
f. Primary Grades

F. Inter-Agency Coordination for Services:

State agencies which serve the handicapped are required by the Education of the Handicapped Act to coordinate services for eligible handicapped persons. A state planning and implementation grant has been funded with the objective of identifying and resolving coordination and data management problems. The objective is to develop inter-agency agreements to coordinate services for eligible persons. Concerns which should be addressed constructively by the state level inter-agency policy group may be addressed to the Special Education Section.

The local education agency may work in connection with parent or other public or private agencies to serve the child. The child may be counted for child count purposes when the child is appropriately served with an Individualized Education Program that is developed, implemented and followed in accordance with State and Federal standards. Paraprofessionals, parent trainers, and other support personnel may be employed to assist in implementation activities which are iniated and supervised by special education personnel.

G. Preschool Incentive Funds:

The preschool incentive funds are formula funds which flow to the State on the basis of the number of handicapped children served, three

through five years of age. As the title indicates, the funds are to act as incentives for the State and local agencies to provide early services to young children who are handicapped. The funds may be earmarked by State education agencies or flow directly to local education agencies who generate the count. The local district may then use the funds to provide special education and related services to children ages three through five years of age.

Some appropriate activities for the use of these funds are:

1. Providing parents with child development information;
2. Assisting parents in the understanding of the special needs of their handicapped child;
3. Providing parent counseling and parent training, where appropriate, to enable parents to work more effectively with their children;
4. Providing essential diagnosis and assessment;
5. Providing transportation essential to the delivery of services;
6. Providing speech therapy, occupational therapy, or physical therapy.

H. In local education arrangements with Head Start and other integrated environments that serve handicapped and non-handicapped preschool children, the LEA should:

1. Assure that the facility is licensed;
2. Provide for special education personnel;
3. Work out arrangements defining role and responsibilities;
4. Assure the implementation and follow through of IEP's with on-going evaluation and instruction;
5. Work with Head Start personnel to maximize the service delivery and cost effectiveness of services. Jointly plan the transition to public schools with local Head Start grantees; and
6. Children placed in integrated settings may be counted on child count when appropriately served by certified or licensed personnel for special education and related services.

VIII. Project ECHO (Enriching Children's Hearing Opportunities)

Because deafness is not visible, it can be overlooked. Early identification is essential if a deaf child is to learn language, since language is learned normally by the age of 3½ to 4½ years.

A statewide program for hearing impaired children from birth to six years of age provides this help.

Project ECHO includes identification and a home intervention program which teaches parents to:

(1) Manage their child's hearing aid

(2) Teach their child to use the hearing he has

(3) Develop a system of communication

(4) Help develop language in the home

Parent/infant services include:

(1) Family orientation

(2) Weekly visits to the home by a trained parent advisor to teach auditory and language skills

(3) Parent groups

(4) On-going evaluation of child's auditory and language development

(5) Staffings held semi-annually to evaluate progress

If you know of a child who may have a hearing loss, or if you are concerned about your own child's hearing, contact your local school or the Special Education Section of the State Department of Education.

IX. Regional Education Service Centers and Services Offered

Oklahoma's twenty Regional Education Service Centers were authorized and assigned services by the Oklahoma Legislature in Senate Bill No. 581 (1974) and Senate Bill No. 704 (1976). Each Center is to provide the services mandated by law and State Board action. Centers are to offer school districts professional assistance in a variety of efforts aimed toward the improvement of instruction for students. Each Center is to provide core services which include, but are not limited to:

A. Student Appraisals

1. Accomplish educational screening as mandated in Oklahoma Senate Bill No. 581 (The Prescriptive Teaching Act of 1974).

2. Provide diagnostic and evaluation service for students who are exhibiting learning problems.

3. Analyze placement alternatives and recommend special class placement if needed.

B. Media

1. Maintain an acquisition, cataloging, and shelving operation for the purpose of providing a lending service (generally, loan periods will range from two weeks to a month).

2. Provide special education materials for special education teachers.

3. Provide special education materials on a prescriptive basis to the classroom teacher who has students with learning problems.

C. Individualized Learning Plans

1. Provide prescriptive teaching plans to teachers for students having learning problems.

2. Provide consultation for educators and parents working with or having students with learning problems.

D. Staff Development

1. Assist in organizing and presenting workshops, conferences, institutes, and other inservice programs for educators working with students with special needs.

2. In these programs, emphasize the awareness, utilization and adaptation of appropriate materials, learning theory, research findings, and other appropriate topics.

3. Maintain working relationships with teacher training institutions.

4. Provide technical assistance to school districts in developing inservice plans in conjunction with the state-wide Comprehensive System of Personnel Development as required by Federal Mandate, P.L. 94-142.

E. Coordination of Education Services

1. Assist in the improvement of present services for students.

2. Lead in the establishment of new special education services.

3. Lead in curriculum development.

4. Promote interagency cooperation and conduct periodic regional interagency meetings to cut down on duplication of service as requested by the Governor.

Each Center staff includes: (1) Center Director, (2) Psychometrist, (3) Prescriptive Teacher, and (4) Secretary/Media Librarian.

Centers "belong" to the regions they serve. Contact the Center nearest your school for information regarding service. Center personnel will come to your school to deliver service. Centers are open twelve (12) months a year.

The offices for these Regional Education Service Centers and counties served are:

Ada - 704 North Oak, Ada, OK. 74820, 405-332-6314; Coal, Garvin, Pontotoc and Seminole counties.

Altus - 600 W. Pecan, Altus, OK. 73521, 405-482-4197; Harmon, Jackson, Kiowa and Tillman counties.

Alva - 1540 Davis, Alva, OK. 73717, 405-327-0601; Alfalfa, Grant, Harper, Major and Woods counties.
Tri-County Satellite (Woodward): 1023 - 10th St., Woodward, OK. 73801, 405-3232; Dewey, Ellis and Woodward counties.

Anadarko - P. O. Box 1355, S.W. 6th & Kentucky, Anadarko, OK. 73005, 405-247-6638; Caddo, Grady and Stephens counties.

Ardmore - 800 "M" St., P. O. Box 1709, Ardmore, OK. 73401, 405-223-2459; Carter, Jefferson, Johnston, Love, Marshall and Murray counties.

Bartlesville - 316 S.W. Seminole, Bartlesville, OK 74003, 918-336-3071; Nowata, Osage, Rogers and Washington counties.

Cushing - c/o Hillside School, Cushing, OK. 74023, 918-225-0481; Creek, Lincoln, Okfuskee and Eastern Payne counties.

Elk City - 301 E. Country Club Dr., Box 425, Elk City, 73644, 405-225-5042; Beckham, Custer, Greer, Roger Mills and Washita counties.

Grove - P. O. Box 755, 10th & Center St., Grove, OK. 74344, 918-786-9453; Craig, Delaware, Mayes and Ottawa counties.

Guymon - Box 1307, 8th & Academy St., Guymon, OK. 73942, 405-338-8901; Beaver, Cimarron and Texas counties.

Hugo - Box 868, 505 W. Bissell, Hugo, OK. 74743, 405-326-5767; Atoka, Bryan, Choctaw, McCurtain and Pushmataha counties.

Kingfisher - Box 57, Courthouse, Kingfisher, OK. 74743, 405-375-5666; Blaine, Canadian, Kingfisher and Logan counties.

Lawton - 1401 Bessie, Jefferson School, Lawton, OK. 73501, 405-357-7185; Comanche and Cotton counties.

McAlester - P. O. Box 298, 14th & Cherokee, McAlester, OK. 74501, 918-423-6271; Haskell, Hughes, Latimer, McIntosh and Pittsburg counties.

Moore - P. O. Box 6915, 403 N. Chestnut, Moore, OK. 73160, 405-799-4458; Cleveland, McClain and Pottawatomie counties.

Muskogee - 570 N. 6th St., Muskogee, OK. 74401, 918-683-2831; Cherokee, Muskogee and Wagoner counties.

Oklahoma City - Pleasant Hill School, 4346 N.E. 36th St., Oklahoma City, OK. 73121, 405-424-1468; Oklahoma county.

Sallisaw - P. O. Box 627, 200 West Creek, Sallisaw, OK. 74955, 918-775-3722; Adair, LeFlore and Sequoyah counties.

Stillwater - 215 East 12th, Stillwater, OK. 74074, 405-624-1315; Kay, Noble, Pawnee and Western Payne counties.
Garfield County Satellite (Enid): 831 E. Oklahoma, Enid, OK. 73701, 405-234-5951; Garfield County.

Tulsa - 500 S. Denver, Room 228, Tulsa, OK. 74103, 918-584-0471, Ext. 216; Okmulgee and Tulsa counties.

X. Funding

A. State of Oklahoma

(1) State funds for the education of exceptional children shall be distributed on a teaching unit basis in accordance with rules and regulations adopted for such purpose by the State Board of Education. These grants should be requested by the LEA and are awarded on the basis of type of child served and the needs of the district.

(2) Special Services (Pages 31-35) explains in detail, State funds available for certain special purposes.

B. Federal

EHA-B Funds and PUblic Law 94-142

(1) Federal legislation enacted in 1975 (Education for All Handicapped Children Act, P.L. 94-142) provides increased funds for special education and related services to local education agencies through the State Department of Education. EHA-B monies will be awarded on the basis of a non-competitive application based on the amount of monies local agencies generated on the number of handicapped children counted as served. 75% of funds awarded to the State Department of Education by the Bureau of Education for the Handicapped will be awarded to Local Education Agencies on a Flow-Through basis upon receipt of approvable local education agency application for funds. Flow-Through funds will be awarded on a formula which is based on the number of children served. Discretionary funds (the remaining 25%) will also be available from the State Department of Education to help Local Education Agencies fill gaps and/or weaknesses in Special Education Programs for first, the unserved and/or severely handicapped students and low-incidence handicapped conditions.

Federal Requirements:

The local school or a cooperative program:

a. Must generate a minimum of $7,500.00.

b. Must be of sufficient size and scope as determined by the State Department of Education to effectively meet the educational needs of handicapped children.

c. Meet the excess cost requirements.

d. Meet non-supplanting requirements.

LEA Use of EHA-B Funds

The congressional intent inherent in P.L. 94-142 is that Local Education Agencies be granted EHA-B funds to provide free and appropriate educational opportunities for all handicapped children (ages 3-21) in the least restrictive environment. The law has been generally interpreted to mean that the State Department of Education and Local Education Agencies must provide the basic educational opportunity for handicapped children and the EHA-B funds are to be used for the excess cost of operating special education programs.

Each Local Education Agency must utilize the excess cost measure in funding the required priorities of serving first, the identified unserved handicapped population and second, the underserved severely handicapped who are receiving inadequate services in all categories of handicapping conditions.

Application forms, guidelines and inservice are provided by the SDE on a yearly basis.

89-313 Title I

Public Law 89-313 - financial assistance is provided to State agencies for programs to meet the special education needs of handicapped children in State-operated or State-supported schools. In addition, funds are available to local education agencies who have students who have been residents of a state agency program for a minimum period of a year who have transferred to and enrolled in a local education program. These funds are titled "reserve monies".

Monies are generated by the 89-313 October 1st child count and are available to agencies and LEA's through application procedures from the State Department of Education, Special Education Section.

P.L. 874 and Special Education

For those schools eligible for P.L. 874 (Impact Aid), there is additional money available for qualified Special Education students. These students are restricted to those living on Indian land, in tribal housing, or whose parents are in military service.

School Administrators who need information on this should contact the School Plant Section of the State Department of Education.

XI. Complaint Procedures

A. Procedures for reviewing and investigating non-compliance allegations

--Receipt of the complaint will be acknowledged in writing by the SEA Special Education Section Coordinator designee within fifteen (15) days.

--A copy of the letter will be sent to other parties involved, including SDE personnel who have monitoring responsibilities.

--Steps for mediation will be addressed. Specifically, a written request to the Superintendent for a mediation conference will be advised in the instance of parental complaints. Parties will be advised of their respective rights and responsibilities under P. L. 94-142 and of the provisions and procedures for a due process hearing.

--Technical assistance and other remedial actions will be provided upon request through the SEA and RESC in stages prior to a request for a due process hearing.

--In the event of problems which affect a significant number of students, a special study committee will be appointed by SEA administrative personnel. Other agencies and organizations who serve the handicapped may be asked to explore and suggest the alternatives.

B. In the event that the SEA obtains substantial indication that the Local Education Agency is in non-compliance and mediation fails, an opportunity will be given to the LEA for a hearing regarding the administration of Part B Funds that it has received. No funds will be released to the LEA until the SEA is satisfied that there is no longer any failure to comply with the requirements.

The Local Education Agency which receives a non-compliance hearing notice has the responsibility of submitting public notices to inform the public within the agency's jurisdiction of the pending action. Other state recourse avenues will be explored prior to this sanction to withhold Part B Funds because of possible ramifications which could jeopardize all state Part B Funds. Addressed earlier in the monitoring section was the aspect that local education agencies in substantial non-compliance may not be recommended for accreditation purposes which should be sufficient reason to prompt corrective action.

XII. Due Process Hearing and Appeal Procedures

Introduction

Under the authority of the Education for All Handicapped Children Act of 1975, P. L. 94-142, and 70 O.S. Supp. 1978, §§ 3-104, and the Oklahoma Administrative Procedures Act, 75 O.S. 1971, §§ 301 et seq., the Oklahoma State Department of Education, in keeping with the constitutional rights and privileges accorded its citizens, does hereby establish the following policies and procedures to guarantee due process protection to children and their parents in regard to identification, evaluation and educational placement of a child.

A. Due Process Hearing

(1) A major element of due process is that an opportunity is provided for the creation of a forum that will provide an objective review of the parent-school disagreement and ultimately produce an objective decision resolving the dispute. Regardless of the formal and informal steps leading to a hearing and the many procedural provisions that must be met in the hearing situation itself, the key concept is that the final decision of the hearing officer will be as impartial as possible.

(2) The burden of proof, as to the appropriateness of any proposed education plan, as to why a more normalized education plan could not adequately and appropriately serve the child's educational needs and as to the adequacy and appropriateness of any identification, test or evaluation procedure, will be upon the local agency.

(3) A request for a due process hearing may be initiated at any time and the decision shall be rendered within forty-five (45) days of the time the request was presented.

B. Who May Request a Hearing and for What Purpose?

(1) Parents or Guardians may request a hearing for any of the following reasons:

a. To challenge the initiation of the identifcation, evaluation or educational placement of the handicapped, or purported to be handicapped child.

b. To challenge a change of the identification, evaluation or educational placement of the handicapped, or purported to be handicapped, child.

c. To challenge the refusal of the LEA to initiate or change the identification, evaluation or educational placement of the handicapped, or purported to be handicapped, child.

d. To challenge the results of an educational evaluation on which an educational placement recommendation was made.

e. To challenge the present or recommended educational placement of their handicapped, or purported to be handicapped child.

f. To challenge whether an educational program is free and/or appropriate for a handicapped, or purported to be handicapped, child.

(2) The Local Education Agencies may request a conference and/or hearing for any of the following reasons:

a. To challenge the refusal of a parent to give permission to test a child who is believed to be handicapped.

b. To challenge the refusal of a parent to give permission to place a handicapped child in a special education program.

c. To challenge the refusal of a parent to give permission to change or alter the identification, evaluation or educational placement of a handicapped child.

C. How is a Request for a Due Process Hearing Initiated?

A request for a due process hearing may be initiated in the following manner:

(1) Parents or guardians must present a written request for a hearing to the local school administrator stating the child's name, date of birth, current grade or class placement, and give the reasons for challenging the identification, evaluation, classification or placement or appropriateness of the education of the child in question.

(2) The Local Education Agency must present a written request for a hearing to the State Department of Education, and must provide written notice to the parents, in the primary language of the home, informing them that they are filing a request for a hearing. This notice shall be sent by certified mail, return receipt requested, on the date the request for a hearing is filed with the State Department of Education.

D. The Hearing Officer

The term "Impartial Hearing Officer" shall mean the appointment of a trained individual by the Department of Education, Special Education Section, for the purpose of presiding at Due Process Hearings.

It shall be the responsibility of the Department of Education to ensure that the Hearing Officer assigned to a particular hearing is unbiased. Any party to a due process hearing may challenge the assignment of a particular hearing officer. It shall be the responsibility of the Department of Education to assign a new hearing officer to the case upon a showing that the appointed hearing officer is biased or other good cause.

E. Decision of the Hearing Officer

The decision of the Hearing Officer shall include findings of fact, reasons thereof, and conclusions thereon.

The decision of the Hearing Officer shall state that this decision is binding upon the parents or the child, if over the age of majority, and upon the local education agency, its officers, employees, and agents, subject to procedures for administrative or judicial appeal and that any questions regarding appeal procedures may be directed to the State Department of Education, Special Education Section, Oliver Hodge Building, Oklahoma City, Oklahoma, 73105. A statement of the procedures to be used for appealing such decision shall be included in the decision.

F. Appeals

Appeals must be initiated by a parent or by the LEA. Appeals must be made within ten (10) days after receipt of the decision. Such appeals of a decision of the hearing officer will be reviewed by the State Board of Education or its impartial designee. Any such designee should meet the same qualifications required of all Hearing Officers. All requests for appeals should be mailed to the Oklahoma State Department of Education, Special Education Section. This section shall ensure that not later than thirty (30) days after the receipt of a request for a review, a final decision will be reached and a copy of the decision mailed to each of the parties.

G. Extension of Time

A Due Process Hearing Officer or Chairman of the Appeal Review Team may grant a specific extension of time beyond the periods set out at the request of either party, i.e., the forty-five (45) days for a hearing and the thirty (30) days for an appeal.

Note: Upon request for a Due Process Hearing, the Special Education Section will send both parties (school/parent) the "Guidelines for Parents and School Administrators, Due Process in Education" manual giving the details of each parties' rights, responsibilities, and procedures of the hearing.

XIII. Program Monitoring

A. Every school in the State receives an annual on-site evaluation conducted by the Area Supervisors from the Accreditation Section. The Area Supervisor will use the monitoring procedures check list to conduct a first level evaluation. He will also check for proper teacher certification, class size, and other requirements.

(1) The special education program is approved and recommendation for accreditation is made (assuming all other requirements are satisfied). A memorandum, along with the checklist, is sent to the Special Education Section.

(2) If the special education program cannot be approved in its present form, technical assistance is requested from the Special Education Section. This is requested by memorandum.

(3) If, after receiving technical assistance, it becomes apparent that an LEA cannot or will not meet required standards, a recommendation for non-accreditation can be made to the State Department of Education Administration. This will be done by the Area Supervisor.

B. Coordinators from the Special Education Section will make on-site contacts to offer technical assistance to one-third of all local Special Education programs each year.

C. Coordinators from the Special Education Section will make on-site contacts to one-third of all EHA-B (Federal) projects each year. This will include "Flow-Through" and "Discretionary" fund programs.

D. All 89-313 projects will be monitored by an SDE Special Education Section Coordinator.

XIV. Inservice

In accordance with the requirements of the Annual Program Plan for Special Education, the following assures implementation of the Comprehensive System for Personnel Development (CSPD):

(1) A district level CSPD Committee is in operation in each local district.

(2) The Committee insures:

a. The identification of inservice training needs of personnel of area agencies and organizations providing services to handicapped children and the provision of appropriate inservice training programs as indicated in a formal needs assessment.

b. The identification of district projected personnel needs and transmission of this data to the RESC Coordinator.

c. The establishment of procedures to acquire, review and disseminate significant educational information derived from exemplary demonstration projects.

(3) The CSPD Committee functions so as to accept input from representatives of agencies and organizations providing services to handicapped children as indicated below:

Regular Teacher (Elem/Sec)	Parents
Special Teacher (Elem/Sec)	Aides
Administrators	Head Start
Vo-Tech (Administrators - Instructional Personnel)	Day Care
	Guidance Centers
Support Personnel	School Health Service (Nurse)
Related Services Personnel	Other

(4) The CSPD Committee reviews and annually updates the above procedures.

XV. SPECIAL EDUCATION

FORMS

PARENTS' RIGHTS

As the parent(s), guardian or surrogate parent of a handicapped child, you have the right:

1. - to refuse permission for individual testing;

2. - to request, receive and review all relevant records and be informed of the results of the evaluation;

3. - to request and receive a copy of the above records at a minimum cost to you;

4. - to challenge the contents of these records;

5. - to request an independent evaluation;

6. - to know that your child's records will be kept confidential;

7. - to know that you must give written permission for placement in a special education program and to be assured no changes will be made in your child's placement without your knowledge. This means prior notice and your written consent for the change;

8. - to know that you must be involved in a team meeting to write your child's Individualized Education Program (IEP) and you must sign this IEP;

9. - to know that this IEP must be reviewed at least annually;

10. - to know that you have a right to request a Due Process Hearing to settle differences concerning your child's education. It is suggested that parent/school conferences and/or mediation be held to solve the problem if possible. These meetings do not affect the right of the parties to a Due Process Hearing, nor delay the Due Process timeliness; and,

11. - to know that the school also has a right to ask for a Due Process Hearing.

SDE-Special Education
Form No. 2

CATEGORICAL ELIGIBILITY STATEMENT

School Year _____

School District _____ County _____

Name of Student _____ Birthdate _____

School _____ Grade _____

Student's Address _____
(Street or P. O. Box)

_____
(City) (Zip)

Telephone _____

The following persons have been consulted regarding eligibility of the above named student for a special education program. It is our opinion that the student is eligible for special education programming for the _____.
(Category)

Signature _____ Position _____ Date _____

Signature _____ Position _____ Date _____

Signature _____ Position _____ Date _____

Signature _____ Position _____ Date _____

I have been conulted and approve categorical eligibility of my child for special eduation services designed for the _____ exceptional chid. A description of the nature and content of the special edcatin services offered has been explained to me. I have received a writen statement of my rights concerning this placement. (Form No. 1)

Signature of Parent or Guardian _____

Date _____

SDE - Special Education
Form No. 2-A

CATEGORICAL ELIGIBILITY STATEMENT

School Year _____

School District _____ County _____

Student _____ Birthdate _____

School _____ Grade _____

The following persons have met regarding the above named student. The consensus is that the student is not eligible for placement in a special education program.

Signature _____ Position _____ Date _____

Signature _____ Position _____ Date _____

Signature _____ Position _____ Date _____

Signature _____ Position _____ Date _____

Here are some recommendations for service in a regular program:

_____

_____

_____

_____

_____

_____

_____

_____

SDE-Special Education Form No. 3

INDIVIDUALIZED EDUCATION PROGRAM

Child's Name _____

School _____

Date _____

Prioritized Annual Goals _____

_____

_____

_____

Achievement Levels

Summary Statement of Present Levels of Educational Performance (Strengths and Weaknesses)

_____

_____

_____

_____

_____

Short Term Instructional Objectives (Measurable)	Specific Educational & Support Services	Person(s) Responsible	Ammount of Time	Beginning Date	Ending Date

67

68

INDIVIDUALIZED EDUCATION PROGRAM(con't)

Short Term Instructional Objectives (Measurable)	Specific Educational & Support Services	Person(s) Responsible	Amount of Time	Beginning Date	Ending Date

What evaluation procedures are to be used, on at least an annual basis, to determine whether objectives are being achieved?

Amount of time in regular classroom

Parent present: ____ Yes ____ No

Comments: _____

_____

_____

Date of annual IEP review: _____

Participants in IEP Development & Review

Parent: _____

Spec. Teacher: _____

Reg. Teacher: _____

Admin. Rep.: _____

SDE-Special Education
Form No. 4

REVIEW OF PLACEMENT/I.E.P.

Date of Review_____

Child's Name _____ Date of Birth _____

Address _____
(Street or P.O. Box) (City) (Zip)

Telephone _____ Parent _____

I. Present Program: (exceptionality areas, level, program)

_____

_____

II. Assessment of Status: (progress in achievement, adjustment, etc.)

_____

_____

_____

III. Recommendations:

_____ continue in same program next year
_____ transfer to next level of program (_____)
_____ return to full-time regular grade (_____)
_____ explore other alternatives:

_____

_____

_____

IV. Additional Comments: _____

_____

_____

(see attached achievement data and other reports)

Placement Committee

Position

1. _____ Chairperson
2. _____
3. _____
4. _____

DETERMINING ELIGIBILITY FOR LEARNING DISABILITIES

Regulations for identification of Learning Disabilities students provide that the eligibility decision must be made by a team. A memeber of this team will observe the child in the classroom and submit a written statement concerning the academic functioning of the student.

There are three forms that can be used to provide information needed to make the eligibility decision.

Form 1 - REFERRAL FORM

The teacher referral form has been designed to reflect any achievement tests that have been given the student, particularly in the 7 areas designated as target areas. If the teacher indicates that the child is performing satisfactorily in any area, it will not be necessary to re-test in that area.

Form 2 - PSYCHOLOGICAL REPORT

The psychological report will indicate whether or not the student has a discrepancy in any of the seven (7) areas. The expected grade level is used to determine if the student is achieving at his ability level. The referral form and the psychological form should be sent to the eligibility team at the school.

The chart can be used to determine expected grade placement.

Form 3 - ELGIBILITY

The eligibility team will consist of a regular teacher, an LD teacher and a person qualified to give individual diagnostic evaluations. They will meet as a team, evaluate the information gathered concerning the student and complete the eligibility form. This team can them become the Placement Team to write the IEP for the child, by adding an administrative representative and the parent.

This process is to be used for all new referrals. Students who have been previously declared eligible will not need to be re-evaluated at this time. When the annual review of placement is held, the placement team will determine the need for further LD programming. When the student is re-evaluated at the end of 3 years, there will be a total re-evaluation and a new determination of eligibility.

Form No. 5-A-1

STATE DEPARTMENT OF EDUCATION
REFERRAL FOR EVALUATION

Name of Student_____

Address_____

Birthdate_____Age____Sex____School_____Grade_____

Parent/Guardian_____Phone_____

Address_____

HEALTH DATA

List speech difficulties_____
Speech therapy?_____Currently in therapy?_____ Agency_____
List hearing or visual problems_____
Date of last visual exam_____Agency_____Results_____
Date of last hearing exam_____Agency_____Results_____
List medication taken regularly_____Reason_____
Frequency of medication_____Date begun_____
Other pertinent medical or developmental information_____
_____

EDUCATIONAL DATA

List grade(s) repeated_____List special education program attended_____
Please indicate any tests that have been given in these areas.

ACADEMIC FUNCTIONING	DATE	TEST	ACHIEVEMENT LEVEL	CLASSROOM PERFORMANCE	
				S	U
1. Oral Expression					
2. Listening Comprehension					
3. Written Expression					
4. Basic Reading Skills					
5. Reading Comprehension					
6. Mathematics Calculation					
7. Mathematics Reasoning					

FOR AREAS IN WHICH ACHIEVEMENT TEST SCORES ARE NOT AVAILABLE, CHECK CLASSROOM PERFORMANCE
(S--SATISFACTORY U--UNSATISFACTORY)

Previous testings: Date Test Given Agency

_____

_____

STATEMENT OF CONCERN (give specific information about work habits, self-concept, peer relations, attention, perceptual difficulties, and other classroom behaviors).

_____

_____

Date_____ Teacher's Signature_____

STATE DEPARTMENT OF EDUCATION
EDUCATIONAL EVALUATION

Form No. 5-A-2

Name: _____ Date of Test: _____

Grade: _____ Teacher: _____ Date of Birth: _____

School: _____ Chronological Age: _____

Reason for Referral: _____

WECHSLER INTELLIGENCE SCALE FOR CHILDREN—REVISED (WISC-R)

SCALED SCORES	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	SUBTEST MEANINGS
1. Information																				Info. from experience, education, long-term memory
2. Similarities																				Verbal reasoning, abstract thinking, categorization.
3. Arithmetic																				Concentration, arithmetic reasoning.
4. Vocabulary																				General expressive word knowledge, verbal fluency
5. Comprehension																				Practical knowledge, social judgment.
6. (Digit Span)																				Attention, short-term auditory memory.
1. Picture Completion																				Visual alertness, visual memory.
2. Picture Arrangement																				Social awareness, visual comprehension, sequencing.
4. Block Design																				Non-verbal problem solving, perception.
4. Object Assembly																				Eye-hand assembly skills.
5. Coding																				Speed of eye-hand coordination, visual memory.
6. (Mazes)																				Planning, following visual pattern.
← SUBNORMAL →							← AVERAGE →							← SUPERIOR →						

Verbal IQ _____ Performance IQ _____ Full Scale IQ _____

Wide Range Achievement Test (WRAT)

	Grade Level	Standard Score
Reading	_____	_____
Spelling	_____	_____
Arithmetic	_____	_____

Bender Visual Motor Gestalt Test (BENDER)

Koppitz Developmental Score _____
Visual Motor Age _____
Mean _____ Standard Deviation _____
Normal Range _____

Stanford-Binet Intelligence Scale (BINET)

Mental Age _____
I.Q. _____

Auditory Discrimination Test (WEPMAN)

Rating Scale Range _____

Human Figure Drawing (H-F-D) Koppitz Scoring

Level of Mental Ability _____

Developmental Test of Visual-Motor Integration (VMI)

VMI Age Equivalent _____

The type and number of tests will be determined by the individual needs of the student.

ACADEMIC FUNCTIONING

1. Oral Expression
2. Listening Comprehension
3. Written Expression
4. Basic Reading Skills
5. Reading Comprehension
6. Mathematic Calculation
7. Mathematic Reasoning

DATE	TEST	ACHIEVEMENT LEVEL		DISCREPANCY
		Expected	Actual	

STATE DEPARTMENT OF EDUCATION

OTHER TESTS:

AREAS OF STRENGTHS:

AREAS OF WEAKNESS:

ADDITIONAL INFORMATION:

RECOMMENDATION:

MAY BE CONSIDERED FOR:

IF A DISCREPANCY EXISTS:

THIS FORM SHOULD BE SENT TO THE LEARNING DISABILITIES ELIGIBILITY TEAM FOR THEIR CONSIDERATION.

_____
EXAMINER

_____
DATE

STATE DEPARTMENT OF EDUCATION
LEARNING DISABILITIES - ELIGIBILITY TEAM SUMMARY

NAME _____ BIRTHDATE _____ SEX _____

CHRONOLOGICAL AGE _____ DATE OF REPORT _____

SCHOOL _____ GRADE PLACEMENT _____

Definition:

"Specific learning disability" means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which may manifest itself in an imperfect ability to listen, think, speak, read, write, spell or to do mathematical calculations. The term includes such conditions as perceptual handicaps, brain injury, minimal brain disfunction, dyslexia, and developmental aphasia. The term does not include children who have learning problems which are primarily the result of visual, hearing or motor handicaps, of mental retardation, or emotional disturbance or of environmental, cultural or economic disadvantage.

A severe discrepancy between achievement and intellectual ability must exist in one or more of the following areas:

1. Oral Expression
2. Listening Comprehension
3. Written Expression
4. Basic Reading Skills
5. Reading Comprehension
6. Mathematic Calculation
7. Mathematic Reasoning

Is there evidence of a severe discrepancy between achievement and ability which is not correctable without special education and related services? Yes_____ No _____

If yes, is the discrepancy primarily the result of:
(1) a visual, hearing or motor handicap? Yes _____ No _____
(2) mental retardation? Yes _____ No _____
(3) emotional disturbance? Yes _____ No _____
(4) environmental, cultural or economic disadvantage ? Yes ____ No ____
If response is YES on any of these four (4) items, the student may not be classified as learning disabled.

Based upon the Oklahoma State Definition for learning disabilities and the criteria set forth by BEH, this student has a specific learning disability. Yes _____ No _____

What is the basis for making this determination?

Relevant behavior(s) noted during the observation of the student:

Observer's Name

What is the relationship of the behavior(s) listed above to the child's academic functioning?

Educationally relevant medical information:

What effects do environmental, cultural or economic disadvantages have on this student's achievement?

Each team member shall certify whether this report reflects his or her conclusion. If it does not reflect his or her conclusion, the team member must submit a separate statement presenting his or her conclusions. The multidisciplinary evaluation team must inclue the following:

_____ Yes ____ No ____
Regular Teacher

_____ Yes ____ No ____
Certified Specialist in Area of L.D.

_____ Yes ____ No ____
Qualified Examiner

Additional Diagnostic Personnel (if needed)

(1) _____ Yes ____ No ____

(2) _____ Yes ____ No ____

(3) _____ Yes ____ No ____

TABLE TO BE USED IN DETERMINING GRADE LEVEL EXPECTANCY

NOTE: Most theories on expectancy postulate a leveling off of growth in the cognitive areas of functioning. The exact state where achievement, as related to ability, levels off is not known. To anticipate learning beyond what can occur may be as dangerous as the assumption of inability to learn beyond certain levels.

This chart in no way is intended to reflect specific levels of achievement or nonachievement. The chart should be used only to determine levels of functioning below which a child is actually achieving in order to be considered eligible for placement.

IQ's	YEARS IN SCHOOL																							
140	K-4	1.4	2.0	2.8	3.4	4.2	4.9	5.6	6.3	7.0	7.7	8.4	9.1	9.8	10.5	11.2	11.9	12.0	12.0	12.0	12.0	12.0	12.0	12.0
135	K-3	1.3	2.0	2.7	3.3	4.1	4.7	5.4	6.1	6.8	7.4	8.1	8.8	9.5	10.1	10.8	11.5	12.0	12.0	12.0	12.0	12.0	12.0	12.0
130	K-3	1.3	1.9	2.6	3.2	3.9	4.6	5.2	5.9	6.5	7.2	7.8	8.5	9.1	9.8	10.4	11.1	11.7	12.0	12.0	12.0	12.0	12.0	12.0
125	K-2	1.2	1.8	2.5	3.1	3.8	4.4	5.0	5.6	6.3	6.9	7.5	8.1	8.8	9.4	10.0	10.6	11.3	11.9	12.0	12.0	12.0	12.0	12.0
120	K-2	1.2	1.8	2.4	3.0	3.6	4.2	4.8	5.4	6.0	6.6	7.2	7.8	8.4	9.0	9.6	10.2	10.8	11.4	12.0	12.0	12.0	12.0	12.0
115	K-1	1.1	1.7	2.3	2.9	3.5	4.3	4.6	5.2	5.8	6.3	6.9	7.5	8.1	8.6	9.2	9.8	10.4	10.9	11.5	12.0	12.0	12.0	12.0
110	K-1	1.1	1.6	2.2	2.8	3.3	3.9	4.4	5.0	5.5	6.1	6.6	7.2	7.7	8.3	8.8	9.4	9.9	10.5	11.0	11.6	12.0	12.0	12.0
105	K-0	1.0	1.6	2.1	2.6	3.1	3.7	4.2	4.7	5.3	5.8	6.3	6.8	7.4	7.9	8.4	8.9	9.5	10.0	10.5	11.0	11.6	12.0	12.0
100	K-0	1.0	1.5	2.0	2.5	3.0	3.5	4.0	4.5	5.0	5.5	6.0	6.5	7.0	7.5	8.0	8.5	9.0	9.5	10.0	10.5	11.0	11.5	12.0
95	MA 4.8	0.9	1.4	1.9	2.4	2.9	3.3	3.8	4.3	4.8	5.2	5.7	6.2	6.7	7.1	7.6	8.1	8.6	9.0	9.5	10.0	10.5	10.9	11.4
90	MA 4.5	0.9	1.3	1.8	2.3	2.7	3.2	3.6	4.1	4.5	5.0	5.4	5.9	6.3	6.8	7.2	7.7	8.1	8.6	9.0	9.5	9.9	10.4	10.8
85	MA 4.2	0.9	1.3	1.7	2.1	2.6	3.0	3.4	3.8	4.2	4.6	5.0	5.4	5.8	6.2	6.6	7.0	7.4	7.8	8.2	8.6	8.6	8.6	8.6
80	MA 4.0	0.8	1.2	1.6	2.0	2.4	2.8	3.2	3.6	4.0	4.4	4.8	5.2	5.6	6.0	6.4	6.8	7.2	7.6	7.6	7.6	7.6	7.6	7.6
75	MA 3.5	0.8	1.1	1.5	1.9	2.3	2.6	3.0	3.4	3.8	4.1	4.5	4.9	5.2	5.6	6.0	6.0	6.0	6.0	6.0	6.0	6.0	6.0	6.0
70	MA 3.5	0.7	1.0	1.4	1.8	2.1	2.5	2.8	3.2	3.5	3.9	4.2	4.6	4.6	4.6	4.6	4.6	4.6	4.6	4.6	4.6	4.6	4.6	4.6
	K	1.0	1.5	2.0	2.5	3.0	3.5	4.0	4.5	5.0	5.5	6.0	6.5	7.0	7.5	8.0	8.5	9.0	9.5	10.0	10.5	11.0	11.5	12.0

79 /79A

OKLAHOMA STATE LAWS
FOR
SPECIAL EDUCATION

CHAPTER I

ARTICLE XII
SPECIAL EDUCATION FOR EXCEPTIONAL CHILDREN

Section 198. Programs for Special Education - School Districts - County Superintendents - Exceptional Children Defined - State Aid. The several school districts of Oklahoma are hereby authorized to provide special education necessary for exceptional children as hereinafter defined. Two or more school districts may establish programs of special education for exceptional children when such arrangement is approved by the State Board of Education. The county superintendent of schools of any county may establish and maintain a special education program, with the approval of the State Board of Education, and county funds may be expended for such purpose. Any school district or districts located wholly or in part in a county may participate in any such program so established by the county superintendent of schools and shall have authority to contribute school district funds, either directly or by reimbursement to the county participating in such program. Exceptional children shall mean gifted children, educable mentally handicapped children, trainable mentally retarded children, speech defective children, emotionally disturbed or perceptually handicapped children, children with special health problems, children requiring the services of a visiting counselor, children with specific learning disabilities as a result of neurological impairment, multiple-handicapped children, and other handicapped children of four (4) years of age as of the first day of November of the school year, provided that there shall be no set minimum age for children who are blind and partially blind children, deaf and hard-of-hearing children and low incidence severely multiple-handicapped children, i.e., deaf-blind, retarded-cerebral palsied, autistic and other children failing to thrive from birth; further provided that any children served upon shall be bona fide resident of this state, whose conditions are such that it is impractical or impossible for them to benefit from or participate in the regular classroom program of the public schools in the district in which they reside and whose education requires a modification of the classroom program. Provided, that the attendance of said children in special education classes shall be included in the average daily attendance computations for State Aid purposes.

From and after September 1, 1970, it shall be the duty of each school district to provide special education for all handicapped exceptional children as herein defined who reside in that school district. This duty may be satisfied by:

1. The district directly providing special education for such children;

2. The district joining in a cooperative program with another district or districts to provide special education for such children;

3. The district joining in a cooperative program with a private or public institution within such district to provide special education for children who are deaf or hard-of-hearing, or for children who are blind or partially blind; or

4. Transferring certified handicapped exceptional children to other school districts which accept them and provide special education for such children with the district in which the child resides paying tuition therefor as hereinafter provided (70-13-101)

See Section 706 herein as to Special Education programs for partially sighted children.

School district has obligation to provide special education for exceptional and handicapped children, which may be fulfilled by any of several authorized methods, including transfers to other districts, September 29, 1972.

Local School District and not State Department of Education has primary responsibility for providing special education programs. May 27, 1977. AG Op. No. 77-169.

No minimum age requirement for participation in special education program of children classified as "other children failing to thrive from birth". May 27, 1977. AG Op. No. 77-169.

Section 199. Determination of Eligibility - Minimum Time Permitted to Attend. The determination whether a child is eligible for special education shall be made by the board of education of the school district in which such child resides, under rules and regulations approved by the State Board of Education; provided; however, that the eligibility of exceptional children shall be reevaluated at least once every three (3) years. Any child determined to be eligible shall be permitted to receive such special education for a minimum period of twelve (12) years.

In those instances involving the proposed transfer of exceptional children from one district to another, the State Board of Education is authorized to promulgate rules and regulations for the reimbursement to the local board of education for payment of charges for the services of psychologists and physicians as necessary for ascertaining eligibility

of pupils for special education and, as to those accepted for special education instruction, for reimbursement to the local board of education for expenditures made for any subsequent reevaluation deemed desirable by the board of education of the district providing special education instruction of the pupil. (70-13-102)

A child is entitled to continue special education at junior high school and high school level if he is capable. September 29, 1972.

Home district must bear cost of determining eligibility for special education. September 29, 1972.

Not mandatory to provide classes for trainable mentally retarded children until they reach 21 years of age, but only that classes be provided for a minimum of 12 years. January 9, 1976.

Section 200. Exceptional Children - Authorized Provisions for Education of Exceptional Children. Any school district in the state may provide suitable facilities and employ qualified teachers and therapists for exceptional children, either in schools, classrooms, or in such other places as the board of education of the district may deem advisable. When a school district does not provide special education facilities and qualified teachers, said children may be transferred to another school district, with the consent of the board of education thereof, where suitable facilities and teachers are provided. Transfers authorized by this section shall be made under such rules and regulations as the State Board of Education may prescribe to a result that the sending district sustain an equitable proportion of the operating costs of the program of the district to which the pupil is transferred. When an exceptional child or pregnant child is unable to attend any school or class in the district of which he is a resident, the board of education of said district, with the approval of the State Board of Education, may provide for home instruction for such child. The State Board of Education is further authorized to cooperate with any school district of the state to make it possible for an exceptional child to attend the regular school by making special provisions for the transportation of such child, or for special equipment, devices, books, supplies or other facilities, or for special instruction within the regular school building. (70-13-103)

School District has an obligation to provide special education for exceptional handicapped children which may be fulfilled by any of several authorized methods, including transfers to other districts. September 29, 1972.

Sending district must reimburse receiving district for transferred student's share of receiving district's cost in conducting special education. September 29, 1972.

Section 201. Authorization for Special Classes or Individual Instruction for Children in Institutions. Special classes or individual instruction provided for pretubercular, tubercular, convalescent or other physically handicapped children in hospitals, sanatoriums and preventoriums may be maintained by a school district in such institutions within or without the boundaries of such district, and the attendance of pupils therein shall be credited to the district providing such instruction. (70-13-104)

Section 202. State Board of Education May Fix Qualifications. The State Board of Education is hereby authorized to determine and prescribe the qualifications of all persons who teach exceptional children, to define, classify and determine standards of eligibility of all exceptional children to receive special education, to fix minimum requirements for special education of exceptional children, and to make such rules and regulations as it deems necessary for the teaching of exceptional children. (70-13-105)

Section 203. State Appropriations - Distribution. State monies appropriated to carry out the provisions of laws dealing with the education of exceptional children shall be apportioned by the State Board of Education among the various school districts of the state providing such educational facilities for exceptional children in accordance with the standards and rules and regulations prescribed by the State Board of Education. State funds for the education of such exceptional children shall be distributed on a teaching unit basis in accordance with rules and regulations to be adopted for such purpose by the State Board of Education. The State Board of Education shall determine the size of classes and other requirements for all such teaching units. (70-13-106) (Amended by H.B. 1072 of the 1977 Legislature)

Section 204. Federal Funds - Acceptance by State Board of Education. The State Board of Education is hereby empowered to accept and disburse any grants or funds that may be matched by or received from the federal government for the education of exceptional children and to make necessary rules and regulations for such purpose. (70-13-107)

Section 205. State Funds - Allowances for Special Education.

A. The State Board of Education is hereby authorized to establish all necessary rules and regulations and set the rate of reimbursement for physical and occupational therapists, teachers of homebound children or home-to-school telephone instruction, board and room for transferred handicapped children to attend a special class, travel for transporting handicapped and exceptional children within or without the district, and travel for teachers who are required to travel in fulfilling the services for handicapped children in homebound, cooperative, or country programs for exceptional children.

B. The State Board of Education may make provisions for boarding exceptional children who must be transferred from their home school districts to school districts providing special education, but in no case shall the reimbursement from other state funds for this purpose exceed Four Hundred Fifty Dollars ($450.00) per child per year.

C. The State Board of Education may make provisions and payments therefor from other state funds for the special education of any deaf and blind child, resident of the state, in any private or public institution, either inside or outside the State of Oklahoma, but in no case shall payment from state funds for such special education, including board and room for such child, exceed Five Thousand Dollars ($5,000.00) per child per year.

D. None of the funds received by a school district under the provisions of this section shall be construed as a part of the chargeable income of such district for State Aid purposes.

E. None of the funds referred to in this section shall be allowed or paid to a school district for any of the following:

1. For any teaching unit or class organized with a number less than that specified by the State Board of Education.

2. For any teaching unit or class organized for speech-defective children with a number less than that specified by the State Board of Education.

3. For any teaching unit or class consisting of children who are both deaf and blind, except as specified in subsection C. of this section.

Section 207. Teachers - Pay. Qualified and properly certified teachers of special education shall be paid a minimum of five percent (5%) above the prevailing wage paid teachers of normal children in the same school district. (70-13-110)

Section 208. Register to be Maintained - Needs to be Met. The State Board of Education shall have power and it shall be its duty:

1. To maintain a register of educable mentally-handicapped children, trainable mentally-retarded children, speech-defective children, emotionally-disturbed children, perceptually-handicapped children and other handicapped children and to use all means and measures necessary to meet the physical needs of all educable and trainable such children, as provided by law; and

2. To stimulate all private and public efforts to relieve, care for, cure, educate or train handicapped children, and to coordinate such efforts with the work and function of governmental agencies. (70-13-111)

OTHER SECTIONS OF THE LAW RELATING TO HANDICAPPED CHILDREN

CHAPTER I

ARTICLE V
SCHOOL DISTRICTS AND BOARDS OF EDUCATION

Section 85. Students of Legal Age - Completion of Twelfth Grade. Any person who is of legal age and a resident of Oklahoma over the age of twenty-one (21) and under the age of twenty-six (26), and who has not completed the twelfth grade in school shall be given the same educational privileges and opportunities provided by law for children over the age of five (5) and under the age of twenty-one (21), upon submitting to the board of education of the school district in which said person resides evidence satisfactory to that board showing that during the time before he was twenty-one (21) years of age he was unable to attend school for a definite period or period of time because of physical disability, or service in the United States Armed Forces or Auxiliary Organizations, by reason whereof it was impossible for him to complete the twelfth grade before reaching the age of twenty-one (21). Provided, further, said pupil shall be counted in the average daily attendance of the district where he attends school during the period of time provided for in this article for the purpose of calculating State Aid for the district. (70-5-132)

> Attendance of person before he is 26 years old can be counted in daily attendance only for same number of school days he missed school because of physical disability or military service. August 3, 1962.

ARTICLE VIII
TRANSFER OF PUPILS

Section 149. Grounds for Transfer.

A. The county superintendent of schools shall grant an application for transfer of a child from the district in which he resides to another school district furnishing instruction in the grade he is entitled to pursue if such transfer has the approval of the boards of education of

the sending and receiving districts. A student granted a transfer during the 1972-73 school year, or any school year thereafter, may continue to attend the school to which he transferred with approval of the receiving district only, and any brother or sister of such student may attend such school with approval of the receiving district only, provided that this provision shall not apply to emergency transfers or pupils transferred for the purpose of attending classes in special education or a graduating senior in counties having a population of four hundred fifty thousand (450,000) or above, previously legally enrolled in the school district to which he wishes to transfer, or to students with catastrophic medical problems. Provided, however, if the grade such child is entitled to pursue is not offered in the district where such child resides, the transfer must be approved. Provided, a child may be transferred by the State Board of Education to a school district in another state, if the board of education of the school district in which the child resides and the board of education of the high school district in whose transportation are the child resides determines that the best interests of the child will be best served by such transfer. No transfer shall be granted for any reason not hereinbefore specified. No child shall be transferred under the provisions of this article to a school district other than the one designated in the application for his transfer.

B. When a child . . . (70-8-102)

Long continued acquiesence in pupil transfers can preclude District from denying legality of transfers. 553 P.2d 150.

District not required to approve student's transfer merely because transfer of student's brother was approved. 554 P.2d 12.

District's refusal to approve pupil's applitation for transfer to out-of-state school district solely on policy of denying any out-of-state transfer is contrary to law. 380 P.2d 943.

"Best interest of child" is not proper ground for transfer. 531 P.2d 335.

Fact district does not offer classes in music and band does not authorize transfer on ground district does not offer grade child is entitled to pursue. 513 P.2d 287.

District Court cannot approve transfer on non-statutory ground. 531 P.2d 335.

ARTICLE XVIII
STATE AID

Section 289. Adjustments and Limitations.

E. If any school district shall fail, neglect or refuse, for any reason whatsoever, to provide special education for a handicapped exceptional

child, certified as such by competent authorities and residing in such district, as directed in Section 13-101 of Title 70 of the Oklahoma Statutes, the following is hereby authorized:

1. Such child shall be entitled, upon petition by the child's parent or guardian, without consent or approval of the school district not providing special education, to transfer to any adjacent or nearby school district which will accept the handicapped exceptional child and provide the special education which such child is entitled to receive. The school district in which a child transferring under this section resides shall pay to the district receiving and educating such child, as tuition, a special education transfer fee as provided in paragraph 2 of this section. Provided the average daily attendance of such child shall be credited to the home district of such transferee.

2. The special education transfer fee shall be the per capita cost of the receiving district for current expenditures for the special education of such handicapped exceptional child based upon the cost of teachers, equipment, material, and special costs associated with the special education class.

3. It shall be the duty of the school district from which such handicapped exceptional child transfers to appropriate and pay such special education transfer fee to the district which receives and educates such child. If a school district owing such special education transfer fees shall fail, neglect or refuse for any reason whatsoever to appropriate and pay such special education transfer fees, then the school district entitled to receive such fees shall certify such fact to the Finance Division of the State Department of Education. Upon receipt of such certification, the Finance Division shall deduct the amount of the special education fee from any State Foundation Program or Incentive Aid otherwise due the sending district and transmit such amount to the receiving district.

4. The sending school district shall also be obligated to pay the special education transfer fee whenever it has transferred a student to another school district for purposes other than to acquire special education, but where the student is subsequently found to require such special education, is determined to be eligible by the Special Education Division of the State Department of Education, and is placed in an appropriate special education program by the receiving school district. For the purposes of this paragraph, the special education transfer fee shall be as provided by paragraph 2 of this section, prorated by the receiving school district according to the number of days the student has been enrolled in the special education program. (70-18-110)

CHAPTER II

ARTICLE XII
MISCELLANEOUS

Section 692. Deaf Children - Special Education. It shall be the right of every child who is deaf or so hard-of-hearing that he cannot participate in the regular public school program to receive an appropriate education at the expense of the State of Oklahoma. It shall be the duty of every school district to seek out and identify every such child between the ages of two and twenty-one at the earliest possible age under procedures to be prescribed by regulations of the State Board of Education. It shall be the duty of every parent or other person having custody of such child to cause such child to be enrolled in and attend a school which provides special education for such deaf children. (70-1210.171)

Section 693. Enforcement of Preceding Section. The duties of the school district under the preceding section shall be enforced by the State Department of Education through orders issued after a hearing upon due notice to such district. (70-1210.172)

Section 706. Special Education Programs for Partially Sighted Children. The State Board of Education is authorized to select school district in which to establish a special education program for partially sighted children from the first grade through the ninth grade. The selection of the school districts, the establishment of the special education program and the determination of eligible children shall be in accordance with the provisions of Title 70 of the Oklahoma Statutes 1971, Article 13, and with the rules and regulations to be adopted for such purpose by the State Board of Education. (70-13-112)

INDEX

	Page
Administrative Responsibility	
State	2
Local	2, 3, 27-28, 70-71
Ages	29-30, 75
Categories - Definitions	6-8
Evaluations	29-30
Eligibility Standards	29-30
Class Size	29-30
Ages	29-30
Child Count	4, 42
Child Find - Identification	5
Screening	5-6
Class Size	29-30
Complaint Procedure	50
Confidentiality	15-17
Cooperative Programs	3, 34, 45
Deaf/Blind	7, 34
Due Process Appeal Procedures	53-54
Due Process Hearing Procedures	51-53
Early Childhood	40-42
Echo	43
Eligibility (See Categories)	23, 29-30, 31, 58, 62, 66-69
Evaluation	19-23, 29-30, 63-65
Federal Funding	2, 48, 49
Funding - Federal	2, 48, 49
State	48
Text book	12
P.L. 89-313	49
P.L. 874	49
Special Services	31-35

	Page
Gifted/Talented	38-39
Hearing Officers	53
Home Based	10
Homebound	31
Homebound Teacher Qualifications	35
Indirect Service	10
Individualized Education Program (IEP)	24-25, 60-61
Inservice - CSPD	44, 56
Interagency Coordination	41,45
Lab Class	9
Least Restrictive Environment	4, 12
Media	44
Modified Programs	11
Monitoring	55
Non-Self Contained Class	9
Occupational Therapist	33
Parental Involvement	6, 19, 20, 25
Parents' Rights	17, 19, 57
Physical Education	4
Physical Therapist	33
Pregnant Girls	32-33
Private Schools	10
P.L. 89-313	49
P.L. 874	49

	Page
Regional Education Service Centers	44-47
Register of Students	4, 74
Reimbursement (Special Services)	34-35
Related Services	26
Resource Class	9
School Day	11
Screening	5
Self-Contained Class	9
Senior High School	10
Service Delivery (Step-by-Step Chart)	18
Special Services Funding	31-35
Special Services	31-35
State Funding	48
State Law	70-78
Surrogate Parents	27-28
Teacher Certification	14
Text Book Funding	12
Transfers	71-72, 75-77
Transportation	26, 33, 36-37
Years in School	11, 75